



To: Chair and Members of the Barrow in Furness Local Area Planning Committee

Agenda

Dear Member

BARROW IN FURNESS LOCAL AREA PLANNING COMMITTEE

A meeting of the Barrow in Furness Local Area Planning Committee will be held as follows:

Date: Tuesday, 19 December 2023
Time: 10.00 am
Venue: Drawing Room, Barrow Town Hall,

A handwritten signature in black ink, appearing to read 'Linda Jones'.

Linda Jones
Chief Legal and Monitoring Officer
Westmorland and Furness Council

Enquiries and requests for supporting papers to: Sandra Kemsley
Direct Line: 01229 876336
Email: Sandra.Kemsley@westmorlandandfurness.gov.uk

MEMBERSHIP

Cllr T Assouad
Cllr F Cassidy
Cllr D Edwards
Cllr L Hall

Cllr A Husband (Chair)
Cllr B McEwan (Vice-Chair)
Cllr J Murphy
Cllr D Taylor

ACCESS TO INFORMATION

Agenda and Reports

Copies of the agenda and Part I reports are available for members of the public to inspect prior to the meeting. Copies will also be available at the meeting.

The agenda and Part I reports are also available on the Westmorland and Furness website

<https://westmorlandandfurness.moderngov.co.uk/mgCommitteeDetails.aspx?ID=263>

A G E N D A

1. Apologies for Absence

To receive any apologies for absence.

2. Membership

To receive details of any changes in membership.

3. Declarations of Interest/Dispensations

To receive declarations of interest by Members of interests in respect of items on this Agenda, and to consider any dispensations.

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

4. Exclusion of Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any item on the agenda.

5. Minutes of the Previous Meeting

To receive the minutes of the previous meeting held on 28th November, 2023 (copy enclosed)

(Pages 5 - 24)

6. Public Participation

Any Member of the public who wishes to make representations relating to an item on the agenda for this meeting should apply to do so no later than 0:01am (one minute past midnight) three working days before the date of the meeting. Anyone wishing to make representations to this meeting should contact the officer named on the front of the agenda, providing a written summary of the issues they intend to raise

7. Planning Application No. B20/2023/0464 175-177 Dalton Road, Barrow-in-Furness

Proposed conversion of commercial premises (use class E(a)) to 12 no. bedroom HMO (Sui-Generis) at first and second floors and welfare facilities at ground floor. Raising the roof height to the rear of the property by 1 metre and remodel of large existing ground floor shop unit to two smaller shop units and associated external alterations (amended description) at 175-177 Dalton Road, Barrow-in-Furness.

(Pages 25 - 56)

8. Appeal Decision - 52 Paradise Street, Barrow-in-Furness

To note the appeal decision for 52 Paradise Street, Barrow-in-Furness from the Planning Inspectorate.

(Pages 57 - 94)

9. Presentation by Alistair Blackshaw on Biodiversity Net Gain

All Members are requested to stay for the presentation.

10. Urgent Items

To consider any urgent items of business.

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, 28 November 2023 at 10.00 am in the Drawing Room, Barrow Town Hall

PRESENT:

Cllr T Assouad
Cllr F Cassidy
Cllr L Hall
Cllr A Husband (Chair)
Cllr B McEwan (Vice-Chair)
Cllr J Murphy
Cllr N Phillips
Cllr D Taylor

Officers in attendance:

Jason Hipkiss (Development Services Manager), Andrew Willison-Holt (Principal Planning Officer) and Sandra Kemsley (Democratic Services Officer).

Also in attendance: Ian Blinkho (Locum Solicitor)

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

51. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor D. Edwards.

52. MEMBERSHIP

Councillor N. Phillips had attended as a substitute for Councillor D. Edwards for this meeting.

53. DECLARATIONS OF INTEREST/DISPENSATIONS

There were no declarations of interest.

54. EXCLUSION OF PRESS AND PUBLIC

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

55. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 31st October, 2023 were agreed as a correct record.

56. PUBLIC PARTICIPATION

No representations had been received.

57. PLANNING APPLICATIONS

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

Proposed Housing Development at Long Lane/Newton Road, Dalton-in-Furness

From Mulberry Homes Limited in respect of a residential development of 34 No. dwellings, with landscaping, biodiversity enhancement and associated highway works at Long Lane/Newton Road, Dalton-in-Furness as shown on planning application number 2022/0083.

Members queried the details of the revised junction improvement design and recommended that it incorporate pedestrian crossing measures. It was agreed that this would be fed back to the Highways Authority.

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

RESOLVED:- It was agreed that;

- (A) Subject to the completion of a Section 106 Agreement relating to the on-site provision of 4(four) affordable housing units, a £40,613 contribution to off-site highways improvement (Long Lane/Newton Road junction), and the management and maintenance of on-site public open spaces, then;
- (B) Planning permission be granted subject to conditions covering those matters as set out below, with delegated authority given to the Head of Development to finalise the drafting of the conditions:-

Standard Duration Limit

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

- Application form (amended) dated 14/12/2022;
- Location Plan dwg. DL/00/Rev.C
- Topographical Survey dwg. 121014/TOP;
- Proposed Site Layout (topographic base) dwg. DL10/Rev.Z;
- Proposed Site Layout dwg. DL/10 Rev.AP;
- Landscape Plan dwg. MHLLNR-WW-01 Rev.Q;
- Proposed Fencing to Pond - Westwood Landscape dated 15/11/2023;
- Proposed Site Sections (Plots26-28 incl.) dwg. DL60 Rev.C;
- Affordable Housing Statement – Resolve 106 Affordable Housing Consultancy (amended) dated 13/06/2023;
- Preliminary Risk Assessment – ref.BEK/145051/1 Rev.E June 2023;
- Ecological Scoping Survey – Hesketh Ecology – ref. MHL14SCO016.2 dated 02/11/2018;
- Ecological Scoping Survey Update Letter dated 11/01/2022;
- BNG Metric ref.P1284 Rev.A;
- Travel Plan - Amni Transportation (amended) ref.273/21/1B dated 09/06/2023;
- Transport Statement – Amni Transportation ref.272/21/1B;
- Drainage Statement - M&P Gadsen ref. MG/CN19119 dated 30/11/2021;
- Percolation Test Locations dwg. 11919/PL01/02.5.1 Rev.C;
- Drainage Layout dwg. 19119/PL01/02.1.1 Rev.N;
- Drainage Details (1) dwg. 19119/PL01/02.3.1;
- Drainage Details (2) dwg. 19119/PL01/02.3.2 Rev.E;
- Drainage Longitudinals (2) dwg. 19119/PL01/02.2.2 Rev.B;
- Drainage Longitudinals (1) dwg. 19119/PL01/02.3.1 Rev.C;
- Exceedance Route (amended) dwg. 19119/PL01/2.4.1 Rev.K;
- Adoption Plan (amended) dwg. 19119/PL01/01.6 Rev.H;
- External Works Layout dwg. 19119/PL01/01.5 Rev.N;
- Road Levels dwg. 19119/PL01/01.2 Rev.K;
- Road Layout dwg. 19119/PL01/01.1 Rev.K;
- Carriageway Longitudinals (1) dwg. 19119/PL01/01.3.1 Rev.H;
- Typical Construction Details (4) dwg. 19119/PL01/01.4.04;
- Typical Construction Details (3) dwg. 19119/PL01/01.4.03 Rev.A;
- Typical Construction Details (2) dwg. 19119/PL01/01.4.02;
- Typical Construction Details (1) dwg. 19119/PL01/01.4.01 Rev.C;
- House Type: BD105D (plot 23) – Rev.K;
- House Type: BD362 Rev.K;

- House Type: Henley Rev.B;
- House Type: Henley Rev.B;
- House Type: Holmeswood Rev.F(1) WD A1;
- House Type: Jenner Rev.N(1)-A1;
- House Type: JJ3S Rev.B;
- House Type: KK25 KK2s-1-Rev.AAD;
- House Type: MR MR-1-Rev.Y;
- House Type: Whitchurch w/garage WHIT-1-Rev.A;
- House Type: Type V Rev.A;
- House Type: Type V-DG Rev.A.

Reason

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

3. Prior to the commencement of any development a Construction Method Statement (CMS) shall have been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period and provide for:

- The hours of construction on any day including bank holidays;
- Times of deliveries to the construction site;
- The parking of vehicles by site operatives;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel-wash facilities;
- Measures to control emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste from construction work;
- Measures to avoid pollution including silting of water courses;
- Measures to protect wildlife.

Reason

In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

4. In addition to the details required under Condition 3, development shall not commence until a Construction Phase Traffic Management Plan (CPTM) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;

- cleaning of site entrances and the adjacent public highway;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- surface water management details during the construction phase.

Reason

In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

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

Reason

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

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

7. 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 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 offsite receptors in accordance with adopted Policy C4.

8. 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 offsite receptors in accordance with adopted Policy C4.

9. 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 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 offsite receptors in accordance with adopted Policy C4.

10. Foul and surface water shall be drained on separate systems with foul directed to the main foul sewer.

Reason

In the interests of the proper drainage of the site and in furtherance of adopted Policy C3a.

11. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the local planning authority) until the estate road, including footways, has been constructed in all respects to base course level, and street lighting has been provided and brought into full operational use in accordance with details approved under condition 13 below, including any scheme of phasing.

Reason

To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

12. The carriageway, footway and footpaths shall be designed, constructed, drained and lit to an adoptable standard and in this respect further details, including a full specification, setting out plan, lighting details, longitudinal and cross sections, and details of phasing shall have been submitted to and approved in writing by the local planning authority prior to the laying out of the approved estate roads. The development shall then proceed in accordance with the approved details.

Reason

To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all time in furtherance of adopted Policy DS5.

13. Prior to the occupation of the <TBA> dwelling a programme for the completion of the estate roads including footways where shown shall have been submitted to and approved in writing by the Local Planning

Authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 11 above.

Reason

To ensure that, in the interests of the safety of highway users and pedestrians a suitable standards of access for the development exists at all times in furtherance of adopted Policy DS5.

14. Details of all measures to prevent surface water discharging onto the highway from house drives/parking areas shall have been submitted to and approved in writing by the local planning authority for approval prior to the occupation of any part of the development. The works shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason

In the interests of the proper drainage of the site and in furtherance of sustainable drainage principles in accordance with adopted policy DS5 and C3a.

15. All garages and parking spaces serving each dwelling as set-out on the approved plans shall be reserved solely for the parking of private motor vehicles and no permanent development, whether permitted by the Town & 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 those spaces.

Reason

To ensure appropriate access and parking provision is made and retained in the interests of general amenity and highway safety.

16. Prior to the occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
 - Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with adopted policies DS5 and C3a.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the developer 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 long-term biodiversity and visual amenities of the area in furtherance of adopted policies DS5 and DS6.

18. The public open space ('POS') as shown on the approved plans shall be constructed and landscaped and made available for use as such no later than the occupation of 50% of the dwellings approved. That are shall not thereafter be used for any purpose other than as public open space unless the Planning Authority gives prior express consent for any variation.

Reason

To ensure a reasonable level of informal play and casual amenity provision in furtherance of adopted Policies HC1 and HC10 and DS5.

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) details of all fences, hedges, wall or other means of enclosure around residential curtilages must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The means of enclosure must be completed prior to the beneficial occupation of the respective dwelling or, in the case of hedges, in the first planting season following the commencement of the beneficial use of the development.

Reason

In the interests of the visual amenities of the area and its occupants in furtherance of Policy DS5.

20. The development shall not be begun until visibility splays providing clear visibility of 2.4 metres x 60 metres measured down the centre of the main access road and the nearside channel line of Long Lane as shown on the approved plans have been provided at the junction of the access road with the County Highways. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes, or other plants shall be planted or be permitted to grow within the identified visibility splays.

Reason

To ensure that in the interests of the safety of highway users a suitable standard of access for the development exists at all times during construction and operational phases, and in order to minimise potential hazards.

21. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason

In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for <INSERT> having regard to the particular layout and design of the development.

22. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, AA, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without

modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason

In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for further development within the curtilage of each dwelling house having regard to the particular layout and design of the development and in furtherance of adopted Policy DS5.

23. Unless the Local Planning Authority gives written agreement that it is impractical to do so, all hard surfaced areas within residential curtilages associated with vehicle use shall be of permeable construction, and detailed drawings (including cross sections of sub surface and surface materials) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any part of the development, or in accordance with a phasing scheme agreed in writing with the Planning Authority.

Reason

In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF and in furtherance of adopted Policy c3a.

24. No development shall take place until samples of the external materials to be used in the construction of the dwellings, including walls, roofs and hard surfaces within the curtilage hereby permitted have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area in furtherance of adopted Policy DS5.

25. No development shall be commenced on site, until a scheme has been submitted to and approved in writing by the Planning Authority, showing measures to be taken to protect the existing hedgerows to be retained as shown on the approved plans as an integral part of any development of the site during and throughout the entirety of the construction phase of the approved development. The development shall proceed in accordance with the approved details.

Reason

In the interests of the visual amenities of the area and biodiversity in furtherance of adopted policies DS5, GI1, N2, N3, N4 and GI6.

Land at Tantabank Road/East of Brent Avenue, Dalton-in-Furness

From Oakmere Homes c/o Agent JWPC Chartered Town Planners in respect of full planning permission for the erection of 41 dwellings associated access from Brent Avenue, landscaping and infrastructure, including demolition of existing stables on Land at Tantabank Road/East of Brent Avenue, Dalton-in-Furness as shown on plan number 2022/0656.

Members raised the issue of future drainage management and maintenance and requested that an extra condition be attached requiring a Drainage Management Plan.

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

RESOLVED:- It was unanimously agreed that;

- (A) Subject to the completion of a Section 106 Agreement relating to the on-site provision of 4(four) affordable housing units, a £48,974.50 contribution to off-site highways improvement (Long Lane/Newton Road junction), and the management and maintenance of on-site public open spaces, then;
- (B) Planning permission be granted subject to conditions covering those matters set out below, including an extra condition to those set out in the report requiring a Drainage Management Plan, with delegated authority given to the Head of Development to finalise the drafting of the conditions:-

Standard Duration Limit

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 shall be carried out and completed in all respects in accordance with the application dated and the hereby approved

documents defined by this permission as listed below, except where varied by conditions attached to this consent:

- 08-P-03 Rev.B - Proposed Surface Treatment Plan - 22-05-2023
- 076-CL-01 Rev.A 1000mm Chainlink Fence Topped With Tension Wire - 20-07-2023
- 088-3B-P03 - Rev.A - House Type 3B - 31-05-2023
- 088-ASC-P03 REV.A - ASCOT HOUSE TYPE
- 088-BOW-V2-P03 REV.A - BOWFELL HOUSE TYPE
- 088-P-01.2 REV.D - Proposed Site Plan - 31-03-2023
- 088-P-02 Proposed Boundary Treatment Plan Rev.B
- 088-P04 - Rev.A - Proposed Material Finish Plan - 21-03-2023
- 088-P-05 - EV Charging Plan
- 088-P-06 - Rev.A - Affordable Tenure Plan - August 2022
- 088-PARKING-01 - Parking Plan Rev.B
- 088-PAT-P03 REV.A - PATTERDALE HOUSE TYPE
- 088-RUS-P03 REV.A - RUSLAND HOUSE TYPE
- 088-SL-01 REV.B - Site Location Plan - 08-11-2022
- 088-WAS-PO1 REV.A - WASDALE HOUSE TYPE
- 15169-C-68 - Private Drainage Details
- BEK-22078-2-Rev.A - Site Investigation & Ground Assessment - March 2023
- BNG Report - 17-11-2022
- Broxap 4 slat bench - photo
- BS5837 Tree Survey Report July 2023 V.3
- c-2069-01-Rev.A - Tree Survey Plan - Tree Protection Measures
- c-2069-02-Rev.E - Detailed Landscape Proposals
- c-2069-03 - Landscape Phasing Plan - July 2023
- CMS Tantabank 21.7.23
- CPTMP Tantabank 21.7.23
- Gadsen Letter 29-06-2023 –Swale Designs
- K-Nine Dog waste bin
- Landscape Appraisal - November 2022
- Landscape Management Plan August 2023 v2
- Planning Design and Access Statement inc Affordable Housing Statement - JWPC -
- AUGUST 2022
- Preliminary Ecological Appraisal - V.2 - Envirotech - 22-08-2022
- SD-SW-07 1800mm Stone Wall with Feather Edge Fencing Infill - July 2020
- SHD679 - Lighting Layout - Rev.R2 - 31-07-2022
- SHD679-SHD-HLG-TANA-DR-EO-Lighting Layout-R2
- SHD679-SHD-HLG-TANA-RA-EO-Lighting Design Risk Assessment-R2
- SHD679-SHD-HLG-TANA-SH-EO-Lighting Schedule-R2
- Transport Statement - DTPC - J1439-TS - August 2022
- Utilities Statement - JW-PND9412 - REV.3 - 19-08-2022

- Application Form – amended – 28-11-2022
- 22200-GAD-ZZ-00-DR-C-1000 P08 - Drainage Layout
- 22200-GAD-ZZ-00-DR-C-1005 P07 - Exceedance Route
- 22200-GAD-ZZ-00-DR-C-1011 P04 - SW Manhole Schedules
- 22200-GAD-ZZ-00-DR-C-1012 P02 - SW Manhole Schedules
- 22200-GAD-ZZ-00-DR-C-1021 P04 - Sewer Longsections Sheet 1
- 22200-GAD-ZZ-00-DR-C-1022 P02 - Sewer Longsections Sheet 2
- 22200-GAD-ZZ-00-DR-C-1030 P05 - Impermeable Areas Plan
- 22200-GAD-ZZ-00-DR-C-1071 P03 - Drainage Details Sheet 1
- 22200-GAD-ZZ-00-DR-C-1072 P02 - Drainage Details Sheet 2
- 22200-GAD-ZZ-00-DR-C-1075 P01 - Basin Sections 1
- 22200-GAD-ZZ-00-DR-C-1076 P01 - Basin Sections 2
- 22200-GAD-ZZ-00-DR-C-1090 P01 - S106 Manhole Detail
- 22200-GAD-ZZ-00-DR-C-1400 P06 - External Levels - SW Highways Prevention
- 22200-GAD-ZZ-00-DR-C-1500 P05 - Highway Setting out
- 22200-GAD-ZZ-00-DR-C-1511 P02 - Road 1 Setting Out
- 22200-GAD-ZZ-00-DR-C-1512 P02 - Road 2 Longsection
- 22200-GAD-ZZ-00-DR-C-1513 P02 - Road 3 Longsection
- 22200-GAD-ZZ-00-DR-C-1514 P01 - Road 4 Longsection
- 22200-GAD-ZZ-00-DR-C-1530 P02 - Highways Details
- 22200-GAD-ZZ-00-DR-C-1550 P05 - Surface Finishes and Kerbing Layout
- FRA and Drainage Strategy Report - Gadsen Consulting - V.8 - 21-09-2023

Reason

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

3. The approved DMS and the CPTMP dated 21-07-2023 shall be adhered to throughout the pre-construction and construction phases of the development.

Reason

In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

4. On the basis of the submitted Site Investigation and Ground Assessment Report (ref: BEK-22078-2 Rev A. March 2023) and further to this Report's findings and recommendations under paragraphs 6.3 and 6.4 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 before development is re-commenced, and thereafter 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 offsite receptors in accordance with adopted Policy C4.

5. No soil material shall 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 shall 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.

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 offsite receptors in accordance with adopted Policy C4.

6. Foul and surface water shall be drained on separate systems with foul drainage directed to the main foul sewer.

Reason

In the interests of the proper drainage of the site and in furtherance of adopted Policy C3a.

7. The carriageway, footways and footpaths shall be constructed, drained and lit to an adoptable standard in accordance with the details hereby approved.

Reason

To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

8. No dwellings shall be occupied until the estate road, including footways, has been constructed in all respects to base course level, and street lighting has been provided and brought into full operational use in accordance with the details hereby approved.

Reason

To ensure that, in the interests of the safety of highways users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

9. The programme for the completion of the estate roads including footways where shown shall be completed in accordance with the approved programme and the details approved under condition 10 below.

Reason

To ensure that, in the interests of the safety of highways users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

10. The measures to prevent surface water discharging onto the highway from house drives/parking areas hereby approved shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason

In the interests of the proper drainage of the site and in furtherance of sustainable drainage principles in accordance with adopted policies DS5 and C3a.

11. All garages and parking spaces serving each dwelling as set-out on the approved plans shall be reserved solely for the parking of private motor vehicles and no permanent development, whether permitted by the Town & 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 those spaces.

Reason

To ensure appropriate access and parking provision is made and retained in the interests of general amenity and highway safety.

12. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing.

The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with adopted policies DS5 and C3a.

13. The landscaping scheme, including the informal children's play area (ICPA) and the protective means of enclosure around the entire perimeter of the attenuation pond as part of the sustainable drainage system hereby approved, shall be implemented in accordance with the approved details as part of the approved development, and all planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the long-term biodiversity, the visual amenities of the area in furtherance of adopted policies DS5 and DS6.

14. Further to Condition 13:
- (A) The laying out, equipping and maintenance of an informal children's play area (ICPA) shall be provided as part of the approved overall landscaping scheme, and completed and made available for public use prior to the first occupation of any of the dwellings hereby approved, and retained as such thereafter unless otherwise agreed in writing with the local planning authority; and
- (B) The protective means of enclosure around the entire perimeter of the attenuation pond as part of the sustainable drainage system hereby approved shall be completed before the first occupation of any of the dwellings hereby approved and retained in situ and in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason

To ensure an appropriate level of public recreational provision serving the approved development, and in the interests of public safety to accord with and in furtherance of adopted policies DS2(f), DS5, G1(d), HC1 and HC10.

15. Further to Condition 13, the completed approved landscaping scheme shall be subject to the provisions of the approved Landscape Management Plan (June 2023) for not less than 5 years following implementation, for all areas of landscaping other than those within the curtilages of individual dwellings.

Reason

In the interests of the long-term visual amenities of the area and to support wider opportunities for biodiversity within the locality in accordance with adopted policies DS5 and DS6.

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) details of all fences, hedges, wall or other means of enclosure around residential curtilages must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The means of enclosure must be completed prior to the beneficial occupation of the respective dwelling or, in the case of hedges, in the first planting season following the commencement of the beneficial use of the development.

Reason

In the interests of the visual amenities of the area and its occupants in furtherance of Policy DS5.

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason

In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for

further ancillary development within the curtilage of each dwelling house having regard to the particular layout and design of the development and in furtherance of adopted Policy DS5.

18. The development hereby approved shall be constructed using the following external materials, samples of which were deposited with and recorded as such by the Local Planning Authority on the 10th July 2023, unless the Local Planning Authority gives prior written consent to any variation:

- Roof - Artificial Slate; UK Slate- Blue Grey “Estillo 3”;
- Paths - Bradstone 600 x 600 x 40 Riven paving flag;
- Walls - Bekstone ‘Natural Light Weathered’ Tumbled (assorted lengths);
- Drives - Impermeable Driveway Sett (60mm Inglestone) Charcoal.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area in furtherance of adopted Policy DS5.

19. All operations carried out on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken in accordance with and by application of the provisions and measures set out in the approved Tree Survey Report and Tree Survey Plan.

Reason

To safeguard trees and hedgerows in the interests of the visual amenities of the area and biodiversity in furtherance of adopted policies DS5, GI1, N2, N3, N4 and GI6.

58. URGENT ITEMS

There were no urgent items for consideration on this occasion.

The meeting ended at 10.53 am

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DEVELOPMENT MANAGEMENT

PLANNING COMMITTEE

FOR DECISION

19th December 2023

Ladies and Gentlemen,

The applications within this report have been submitted for determination under the Town and Country Planning Acts and associated legislation.

Jason Hipkiss

Head of Development Management (Barrow)

**B20/2023/0464
Planning Committee
19th December 2023**

| | |
|---|--|
| Application Number : B20/2023/0464 | Date Valid :26/07/2023 |
| Address : 175-177 Dalton Road, Barrow-in-Furness, Cumbria, LA14 1PX | Case Officer : Jennifer Dickinson |
| Proposal : Proposed conversion of commercial premises (use class E(a)) to 12 no. bedroom HMO (Sui-Generis) at first and second floors and welfare facilities at ground floor. Raising the roof height to the rear of the property by 1 metre and remodel of large existing ground floor shop unit to two smaller shop units and associated external alterations (amended description). | |
| Ward : Hindpool Ward | Parish : Barrow Town Parish Council |
| Applicant : Prestige Properties NW SSAS, Joe Nuttall building services | Agent : Mr N Shepherd, Shepherd Architecture and Surveying |
| Statutory Date : 20/09/2023 | Recommendation : GRANTED WITH CONDITIONS |
| Barrow Planning Hub | |

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

National Policies

1. National Planning Policy Framework 2023 - Para NPPF 011
2. National Planning Policy Framework 2023 - Para NPPF 130
3. National Planning Policy Framework 2023 - Para NPPF 203

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
4. Barrow Borough Local Plan 2016-2031 - Policy H26 - Large Houses in Multiple Occupation (HMOs) and the Subdivision of Dwellings

5. Barrow Borough Local Plan 2016-2031 - Policy R1 - The Vision for Barrow and Dalton Town Centres
6. Barrow Borough Local Plan 2016-2031 - Policy R17 - Conversion of upper floors to residential units within the town centre
7. Barrow Borough Local Plan 2016-2031 - Policy R2 - Barrow Town Centre
8. Barrow Borough Local Plan 2016-2031 - Policy R3 - Barrow's Primary Shopping Area

Summary of Main Issues

This application is being reported to committee due to a request by a Councillor. The key considerations for this proposal are the the impact of the conversion upon the available retail offer within the primary shopping area, external design and the amenity standards for future occupiers. Whilst the agent has provided amended drawings that show a more sympathetic design it is missing some architectural details and it is recommended that this be delegated to the Head of DM.

Non Material Considerations

None

Response to Publicity and Consultations

Neighbours Consulted

| Street Name | Properties |
|--------------------|-------------------|
| Cavendish Street | 80, 82, |
| Dalton Road | 173, |

| Responses | Support | Object | Neutral |
|------------------|----------------|---------------|----------------|
| 0 | 0 | 0 | 0 |

Site notice displayed expiring on 29.8.23

Reasons cited for Councillor call-in

- Number of existing HMOs in town centre wards
- Change of ground floor from prime retail use to residential
- Permanent loss of retail use in prime Dalton Road site as the Council is trying to regenerate
- Parking issues
- Public concerns
- Important that the principle should be determined by Councillors

Organisations Consulted

Consultee

BAE Systems - Emergency Planning Officer (Nuclear)
Barrow Town Parish Council
Building Control
Emergency Planning - Joint Emergency Management and Resilience (JEMR) Team
HMO officer
Highways
Office for Nuclear Regulation (Nuclear)
Public Protection Services
United Utilities (Planning Liaison)

List of Organisation Responses

27/07/2023

Building Control

“Building regulation approval required for the proposals.”

28/07/2023

Joint Emergency Management and Resilience (JEMR) Team - 28/07/2023

“Our response is the following:

The BAE site is covered by the provision of the Radiation (Emergency Preparedness and Public Information) 2019 Regulations. There are no objections to the proposed development based on the information provided but it should be noted that the proposed development is situated within the Detailed Emergency Planning Area of BAE. Westmorland and Furness Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements are made for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site.

Accordingly I would be grateful if you could, in the event of the application being approved, advise the applicant to liaise with this office to allow for further discussion.”

21/08/2023

Highways and Lead Local Flood Authority - 18/08/2023

"Westmorland & Furness Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere."

08/08/2023

Public Protection Services Licensing

"This appears to be a 12 bed HMO which would require a Mandatory HMO Licence under Housing Act 2004.

The bedrooms all appear to be adequately sized and all have en-suite bathrooms. The large kitchen should be sufficient for the number of occupants with the addition of a brew station on each floor, although consideration to additional kitchen items might be considered. There should be a cupboard for each occupier as well as sufficient space in the fridge/freezer.

A fire risk assessment will be needed to ensure all fire risks are mitigated, especially in view to being located next to a commercial premises."

21/11/2023

Public Protection Services - 21/11/2023.

"I've looked at the report and the calculations are sound. The concern relates to night time economy noise and the impact on internal noises with the residents especially if a window is open. The mitigation for this is stated as closed acoustics venting etc.

I see no reason why the recommendations cannot be accepted and implemented. But I would request that confirmation of this is done upon completion"

Officers Report

1. Site and Locality

1.1 The host property is a corner property which historically was a shoe shop (latterly Stead and Simpson) and more recently a Red Cross charity shop. It is set over three floors and is in a prominent corner position within the Primary Shopping area on Dalton Road at the junction with Cavendish Street and has been vacant for a number of years. Due to the corner position, the rear of the site is bounded by two other properties and their rear projections. This affords the area some shelter from adjacent uses. Across the back street is the rear elevation of the Preston Street Club. The property has some historic value given that it dates back to the 1893 historic maps, and as it remains fairly original externally at first and second floor level, it is considered to be a non designated heritage asset.

1.2 The locality of the site has a mix of both day and night time uses and it is adjacent to an area with a night time economy operating until early in the morning.

2. Proposal Details

2.1 Proposed conversion of commercial premises (use class E(a)) to 12 no. bedroom HMO (Sui-Generis) at first and second floors and welfare facilities at ground floor. Raising the roof height to the rear of the property by 1 metre and remodel of large existing ground floor shop unit to two smaller shop units.

2.2 The proposal provides that the majority of the existing ground floor retail space will be subdivided to create two small shops with individual welfare facilities. One shop spans the Dalton Road elevation with the other facing into Cavendish Street. The remaining floor area would be converted into a communal kitchen/amenity space and bike storage for the HMO use are also provided on this level.

2.3 At first floor level, 6 en-suite bedrooms ranging in size from 13.8m² to 17m² and "brew station" are provided. Similarly, at second floor level a further 6 en-suite bedrooms and brew room are provided of the same size. Bin storage is provided to the rear yard.

2.4 Externally, to the front elevation facing onto Cavendish Street, one shopfront window is to be replaced with two smaller windows with matching in fill materials to provide the ground floor amenity space for the HMO. The remaining shop fronts are retained in their existing form. To the rear elevation, an extension is proposed at second floor level to provide additional internal height. This is proposed to extend up to the existing eaves height with a flat roof.

3. Relevant History

3.1 83/1997/0117 173 Dalton Road Barrow-in-Furness - Display of a projecting sign and external illumination of fascia sign by spot lights Appcond 19/02/1997

3.2 B13/2017/0100 173 Dalton Road Barrow-in-Furness - Conversion of first and second floors of existing retail premises to form 2 one bedroom flats Appcond 10/03/2017

3.3 B13/2017/0421 173 Dalton Road Barrow-in-Furness - Conversion of ground floor retail premises into one bedroom flat REFUSED 07/11/2017

3.4 B20/2007/1406 80 Cavendish Street Barrow-in-Furness - Change of use of opticians to tea room and bakery with takeaway facility (restrospective) Appcond 04/01/2008

3.5 B20/2009/1801 80 Cavendish Street Barrow-in-Furness - Change of use from tea room and bakery with take-away facility to private hire taxi office - Retrospective Refused 31-MAR-2010

3.6 B20/2018/0683 80 Cavendish Street Barrow-in-Furness - Change of use from Retail (Class A1) to an MP's office providing advice offices to the public (Class A2) APPCOND 30/11/2018

4. Officer Assessment

4.1 The key considerations with regards to this proposal are the impact upon the primary shopping area, the indicated design, and the potential amenity standards for future occupiers.

4.2 Existing use of site

4.3 The existing use of the site is Class E which permits the following:

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

4.4 The proposed use would be a *sui generis* use given the proposed mix of retail and residential. The principle of retention of retail use at the ground floor level is accepted as this element falls within the current use.

4.5 Relevant Policies and Guidance

4.6 The National Planning Policy Framework (2023)(NPPF) under paragraph 11 outlines the presumption in favour of sustainable development, it states: "*For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay*".

4.7 Paragraph 12 goes on to state: "*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making*".

4.8 Paragraph 130 states that planning decisions should ensure that developments create places that are safe, promote health and wellbeing, with a high standard of amenity

4.9 Paragraph 203 requires that the effect of an application on a non-designated heritage asset should be taken into account in determining the application.

4.10 Local Plan Policy

4.11 When referring to paragraph 12 of the NPPF, as mentioned above, the local plan is the starting point for decision making. The local plan policies listed are considered to align with the principles, aims and objectives of the NPPF.

4.12 Particularly relevant to this proposal are retail policies R1, R2 and R3, design policy DS5 and residential policies R17 and H26 which particularly relate to the HMO element of the proposal.

4.13 Retail Element

4.14 The existing retail space (indicated as 105m²) is to be re-configured into two smaller retail units from the existing larger unit. There is an area of 22.5m² which will be transferred to the HMO use. Taking account of policy R3 which specifically relates to the primary shopping area, it advises that this area is the focus for retail uses in Barrow. It sets criteria for proposals to be considered acceptable which include requiring the retention of an active frontage and that development compliments the retail function and character of the primary shopping area. It is considered that this development would meet the criteria.

4.15 In addition to this, the applicant has provided a supporting statement to accompany the application which outlines previous developments they have undertaken which have resulted in a smaller retail footprint. This details how the character of towns nationally is changing due to issues associated with internet competition and the demise of large national chains resulting in large vacant retail units on main streets, and in this respect Barrow is no different. This has created a commercial environment whereby smaller footprints seems to attract more independent businesses, and has been a successful approach elsewhere on Dalton Road. The proposal is welcomed in terms of seeking to retain an active retail frontage but of a footprint more likely to attract traders in the current commercial climate.

4.16 Design

4.17 The proposed development largely relates to internal changes to facilitate the change of use. However, during the processing of the application it has been identified that the site could be considered a non designated heritage asset due to its historic nature and following some research a historic photograph of the site has been located which shows its earlier appearance. We have worked with the agent to ensure the design takes into consideration the historic nature of the site and seeks to improve the current modern shop front arrangement. The submitted details seek to comply with local plan policy DS5 which places importance on good design and NPPF paragraph 203 which requires that the effect of an application on the significance of the non designated heritage asset is taken into account when determining the application. Some of the detailing has not yet been received and this element is reflected in the recommendation.

4.18 Proposed HMO

4.19 The Local Plan states in its vision for Barrow town centre that it will support a mix, variety and flexibility of uses. Policy R17 specifically refers to conversion of upper floors to residential units within the town centre. It supports the conversion of upper floor areas where it will bring back vacant properties into use subject to the conversion providing an acceptable level of accommodation for future occupiers. Policy R1 refers to the local plan vision for the town centre which requires that the town centre continues to provide a mix of uses. The introduction of housing in this location will add to the mix of uses in the town centre and create footfall into the primary shopping area.

4.20 Policy H26 sets criteria for consideration to ensure an acceptable standard of accommodation is provided, and no unacceptable impact on the residential amenity of neighbouring properties. In these respects the proposal does not lead to a loss of housing, and should not affect the character of the building or surrounding area. There are minimal external changes and the position within the town centre is such that there is already an established level of comings and goings.

4.21 Over concentration of similar uses in the area is also a consideration under this policy. In this instance, I have consulted the mapping system and there is only one such licensed use at the Crystal Palace serviced apartments on Dalkeith Street. A recent approval at 109 - 111 Cavendish Street is also a relevant extant permission (2023/0365) which was for conversion into a HMO.

4.22 Residential Amenity

4.23 The residential amenity of future occupiers is a key matter to consider. The layout of the HMO is set over three floors with a pedestrian entrance on Cavendish Street which will lead into a hall and bike storage area along with a multi use amenity area. The first and second floor are accessed via a staircase and each floor benefits from a separate kitchen area with 6 rooms. The internal design ensures that the individual units have access to sufficient natural light, privacy, outlook and indoor amenity space, and does not result in any inappropriate stacking of rooms. Whilst soundproofing within the building will be dealt with under the Building Regulations, details of soundproofing on the boundary with the adjacent properties has been provided. Colleagues in HMO licensing have been consulted and raised no objection, their suggested requirements in terms of cupboard/fridge/freezer space will be dealt with under their legislation. I am satisfied that this can be accommodated in the space provided.

4.24 Noise

4.25 The determination of this application has been delayed to allow for a noise assessment to be carried out. Whilst town centre residents should expect some degree of background noise, the assessment is necessary due to the potential impact of higher noise levels arising from the evening economy particularly the Preston Street club to the rear. An assessment has been carried out overnight at a weekend and during the day from the front and rear elevations of the property. The result of the assessment is that mitigation will be required in the form of soundproofed windows and trickle vents and this has been checked by colleagues in Public Protection. They are satisfied that the assessment is sufficient and covers the necessary criteria to protect future occupiers from excessive noise impacts. However, in order for the mitigation to be effective the windows will need to remain closed.

4.26 The agent has submitted a ventilation strategy which provides details to show that sufficient air circulation can be provided in the form of soundproofed trickle vents and silent extraction units to remove the need to open the windows. The source of noise is cited within the report to be largely from people walking along Dalton Road and Cavendish Street along with associated background noise. The option to open a window will still be available for occupiers at their discretion. However, this should not be necessary to provide a comfortable environment. This seems reasonable given the potential source of the noise.

4.27 When consulting the planning practice guidance (PPG) on this matter it advises consideration should be given to:

whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary.

4.28 The level of detail of the ventilation provided is considered sufficient to meet the requirements of the guidance.

4.29 In terms of other criteria within the policy H26, there is sufficient space for storage of waste/recycling in the rear yard and this can be conditioned to be kept clear of obstructions. Whilst there is a small outdoor amenity space, the site is within the town centre and within walking distance of amenity spaces and community uses nearby.

4.30 In terms of transport, the site is set in a sustainable location for travel within the town centre with public car parks nearby should occupiers have access to a car. No objection has been received from the Highways section on this matter. This is in line with other town centre uses. Sufficient cycle storage is provided which is in line with the Local Cycling and Walking Infrastructure Plan. When considering the details above, it is considered that, subject suitable mitigation the proposed development will provide a sufficient level of amenity to the future occupiers in line with policy H26 and NPPF paragraph 130.

4.31 It is also relevant to consider NPPF paragraph 185 which states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

4.32 Given the proposed mitigation, it is considered that there should not be any unreasonable restrictions placed on existing businesses. Within the noise report, the source of noise was identified as largely coming from passers-by in Dalton Road and Cavendish Street so it is unlikely that this should be an issue.

4.33 Material Consideration

4.34 A material consideration in this matter is the history of a similar application which was refused partly due to the potential impact from noise at 26-28 Portland Walk (2020/0822) and is currently subject to an enforcement appeal. It is similar in that, in order to mitigate the noise, the windows needed to be closed. However, the difference in this instance is that supporting information has been provided by the agent to show that a comfortable living environment can be provided without the need to maintain open windows. Whilst similar, these applications are not directly comparable given that the Portland Walk application related to self contained flats and there were also concerns over the layout. It is relevant to also note that each application is assessed on its own merits.

4.35 Councillor Call-in

4.36 The application is being report to you today as it was called-in. The concerns referred to are stated as:

- **Number of existing HMOs in Town Centre Wards**

4.37 As stated above, there is only one such licensed use nearby with one further recent permission. In terms of their relative locations and the mix of uses within the town centre I do not consider that this is an overconcentration that would lead to a conflict with the Local Plan. These developments have utilised vacant buildings that would otherwise potentially remain vacant for some time with a subsequent blight on the town centre (so called "broken window" syndrome) and are considered to be a sustainable re-use of vacant floorspace

- **Change of ground floor from prime retail use to residential**

4.38 A significant area (c.82.5m²) is retained for retail use on the ground floor either side of the corner of the building, with an area of 22.5m² of the Cavendish Street frontage converted to use within the HMO. This modest reduction will not adversely affect the overall retail offer in the town centre, where there are numerous empty premises of varying sizes available for occupation.

- **Permanent loss of retail use in prime Dalton Road site as the Council is trying to regenerate**

4.39 Taking account of the applicant's supporting statement (attached as appendices), the creation of two retail units in the town centre rather than one large vacant unit should attract a wider range of potential occupiers, including new start businesses. This is evidenced by the applicant's two previous properties at 82 and 243 Dalton Road.

- **Parking issues**

4.40 The area of the proposal is within the town centre close to two public car parks. The site is set within a sustainable location, and the Local Plan policy relaxes parking requirements as a result.

- **Public concerns**

4.41 As referenced in earlier committee reports relating to HMO uses, the market is driving the need for the diversification of the housing market in the area. These application types are providing accommodation which, according to occupancy levels in recently completed schemes, is needed. In this particular instance, the design of the layout provides an acceptable standard of amenity whilst bringing investment into the area and a large vacant town centre property back into use. The mix of retail and HMO use utilises the full property and should ensure the longevity of the site for the future. I draw your attention to the applicant's supporting statement which is reproduced in appendices this explains the background to this development and gives examples of other properties they have completed in the town centre.

- **Important that the principle should be determined by Councillors**

4.42 In accordance with the Delegation agreement, this report is submitted for your decision.

4.43 Wider Benefits

4.44 The proposed use brings back into use a disused building which has been vacant for some time and will renovate the site. It will provide 12 homes in a sustainable location close to nearby amenities and employers. The conversion of the property will provide employment during the conversion works, two retail premises and subsequent employment and also some employment from its ongoing management.

4.45 Appeal Decisions

4.46 In terms of the noise mitigation measures, a similar example to this application is covered in a national appeal reference APP/C3810/W/19/3230687. This related to ventilation being provided mechanically to mitigate noise impacts upon a development whilst still providing windows which can be opened. This allowed the occupiers flexibility to open windows or close them if needed to mitigate any noise impacts and this was found to be acceptable by the Inspector.

5. **Conclusions**

5.1 The proposed development will bring back into use a large vacant town centre property which is a non-designated heritage asset set within the primary shopping area. Retention of the retail element is to be welcomed, accords with policy, and should assist in providing modern accommodation of a more appropriate size to meet retail needs. The design of the proposal takes into account the historic nature of the site and seeks to replicate historic features. The introduction of a residential use at the upper floor levels will assist in increasing footfall to the town centre whilst providing a suitable standard of amenity for the future occupants. The development consequently accords with both local and national planning policies.

5.2 In assessing this application, I confirm that the Authority has exercised the following duties:

1. Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions (i) eliminating discrimination, (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people) disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
2. In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

6. Recommendation

I recommend that Members agree to GRANT Planning permission, subject to the suggested conditions, but pending the provision of further satisfactory architectural details for the front elevation, the final decision on which shall be delegated to the Head of Planning. Details of a satisfactory shopfront drawing(s) shall be attached to condition 2

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 26.7.23 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

Application form dated 26.7.23

Noise Assessment dated 12.10.23

Developers Statement

DRHMO/PA/001A, DRHMO/PA/002A, DRHMO/PA/003A, DRHMO/PA/004A,
DRHMO/PA/005A, DRHMO/PA/006A, DRHMO/PA/007A , DRHMO/PA/010B,
DRHMO/PA/011A, DRHMO/PA/012A

Location Plan

Reason

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

Pre-commencement Conditions

3. Prior to the commencement of the development hereby approved, details of the proposed noise mitigation measures shall be submitted to and approved by the Planning Authority. The approved scheme shall be fully implemented and thereafter permanently retained in accordance with the approved details and written verification that they have been so implemented shall be provided by a suitably qualified person prior to beneficial occupation of any part of the development.

Reason

In order to protect the residential amenities of the occupiers from potential excessive noise disturbance.

During Building Works

4. Prior to their installation on site, details of the finished external paint colours and sample of the proposed stone shall be submitted to and be agreed in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details.

Reason

In order to protect the visual amenities of the area.

5. Shopfront design detailing

Before Occupation

6. The soundproofing as shown on hereby approved plans shall be installed prior to beneficial occupation of any part of the scheme and thereafter permanently retained unless the Planning Authority gives prior written consent to any variation.

Reason

In order to protect the residential amenities of the occupiers.

Operational Conditions

7. The area shown in the rear yard on the plan attached to this consent shall be permanently maintained clear of all obstructions, unless the Planning Authority gives prior written express consent for any variation.

Reason

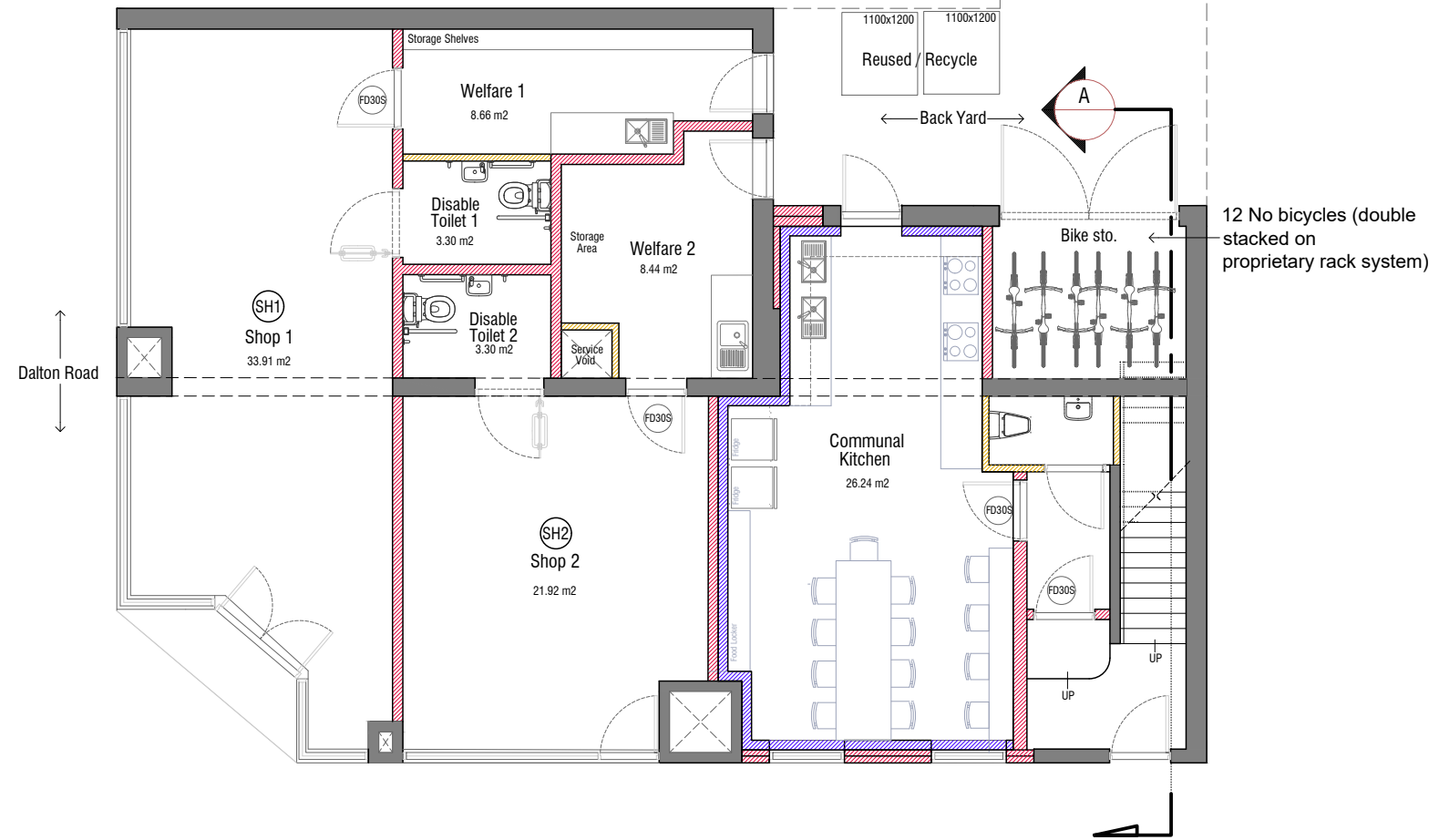
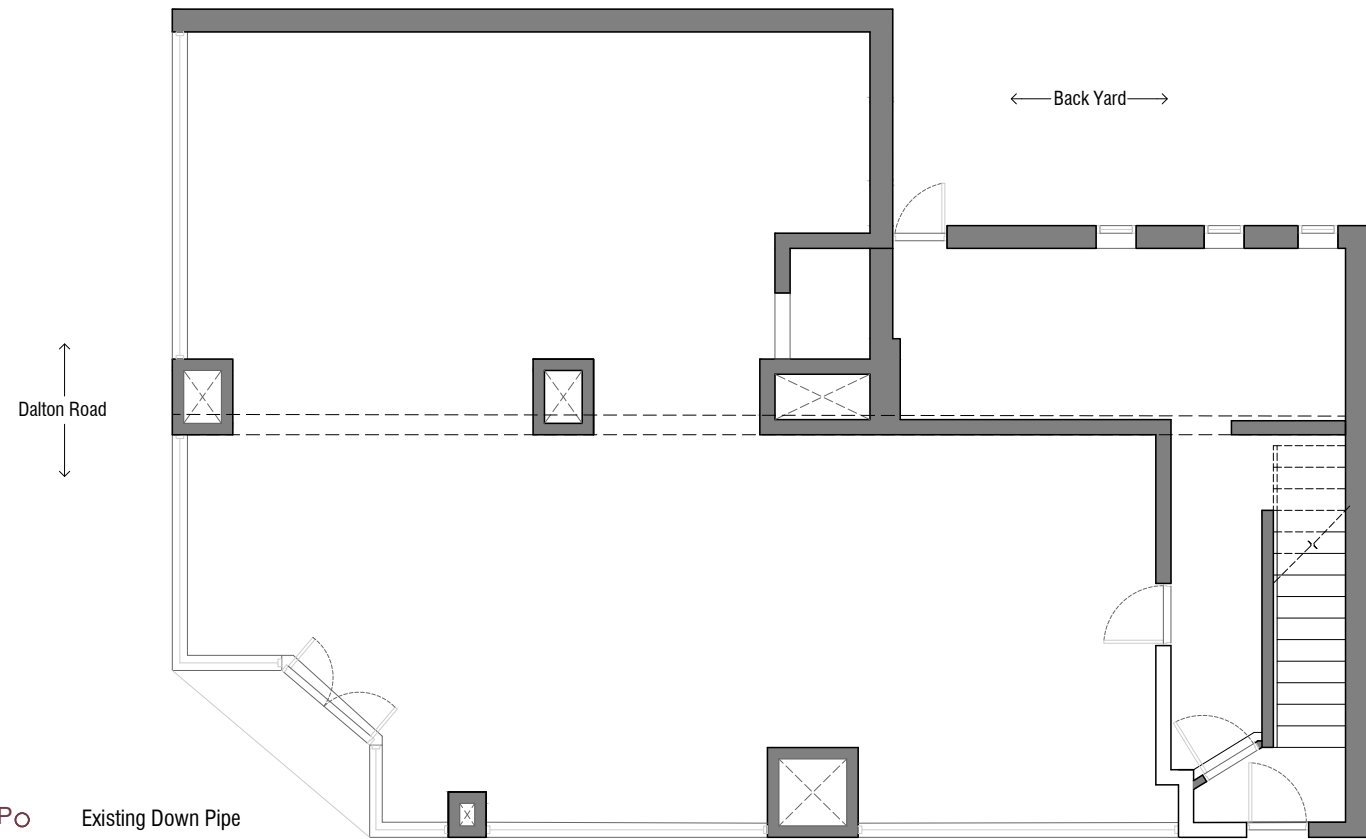
To ensure that it is available at all times for the storage of refuse associated with the use of the building.

Informative

- Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out
- Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
- This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.
- The refuse bins should be stored within the rear yard and only placed outside on bin collection days.
- The proposed development is situated within the Detailed Emergency Planning Area of the BAE site. Westmorland and Furness Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site. The applicant is advised to liaise with the Joint Emergency Management and Resilience(JEMR)Team to allow for further discussion of available information: Senior Emergency Planning Officer, Joint Emergency Management and Resilience(JEMR)Team, Westmorland and Furness Council, Penrith Fire Station, Carleton Ave, Penrith , Cumbria , CA10 2FA

2023/0464

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DPo Existing Down Pipe

Typical Shower tray size 1000x800 mm

New windows opening

FD30s FD30s

H HMO unit /House in multiple occupation

SH Shop units

Wall thickness = 100 mm

Wall thickness = 150 mm

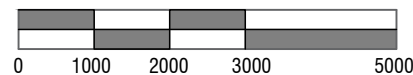
140mm thickness insulation to external and party walls for thermal upgrade

WALL CONSTRUCTION KEY

EXISTING WALL
DEMOLITION
New External wall

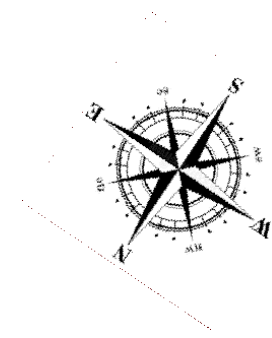
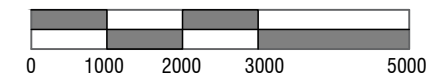
Existing Ground Floor

SCALE 1:100@A3



Proposed Ground Floor Plan

SCALE 1:100@A3



Commercial to Residential Conversion (HMO)

Dividing of Ground Floor Retail space

175-177 Dalton Road
LA14 1PX
Barrow In Furness

Revision Notes
N/A
increased bike store enclosure and altered/ new rear external doors

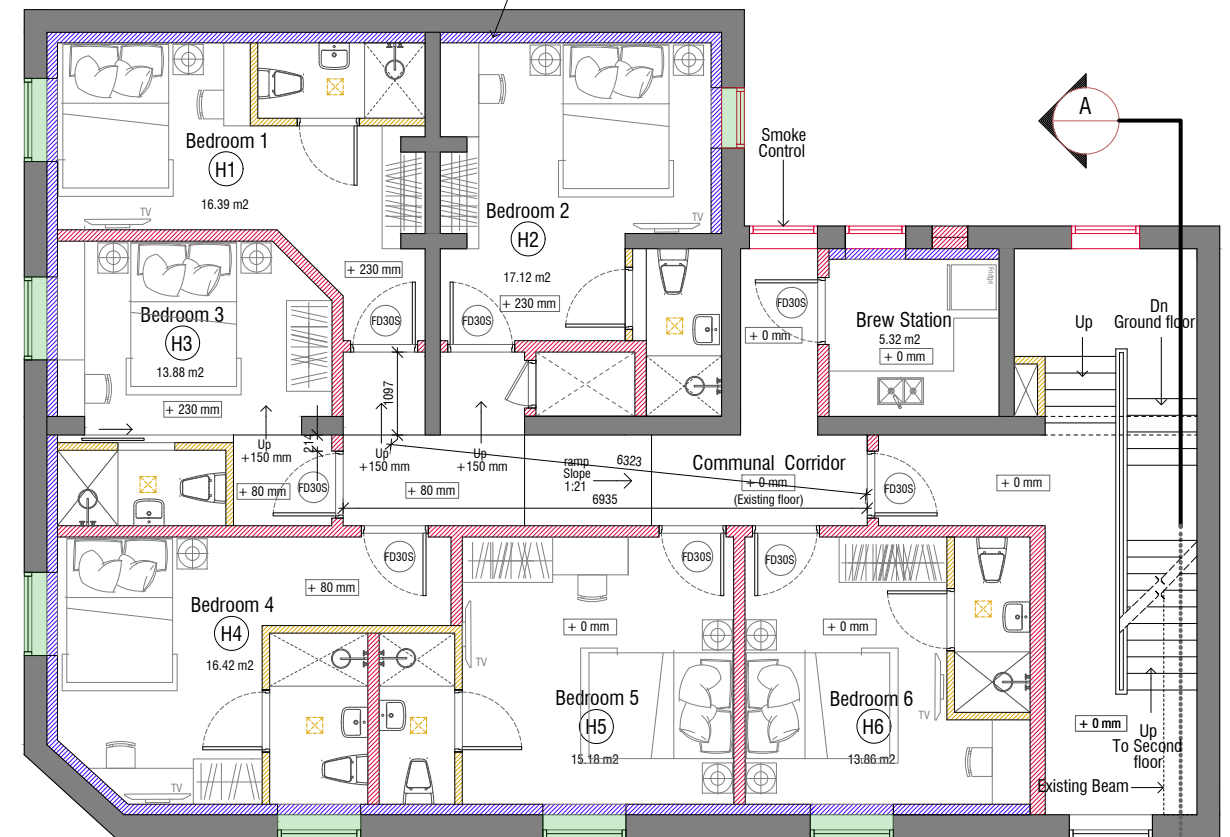
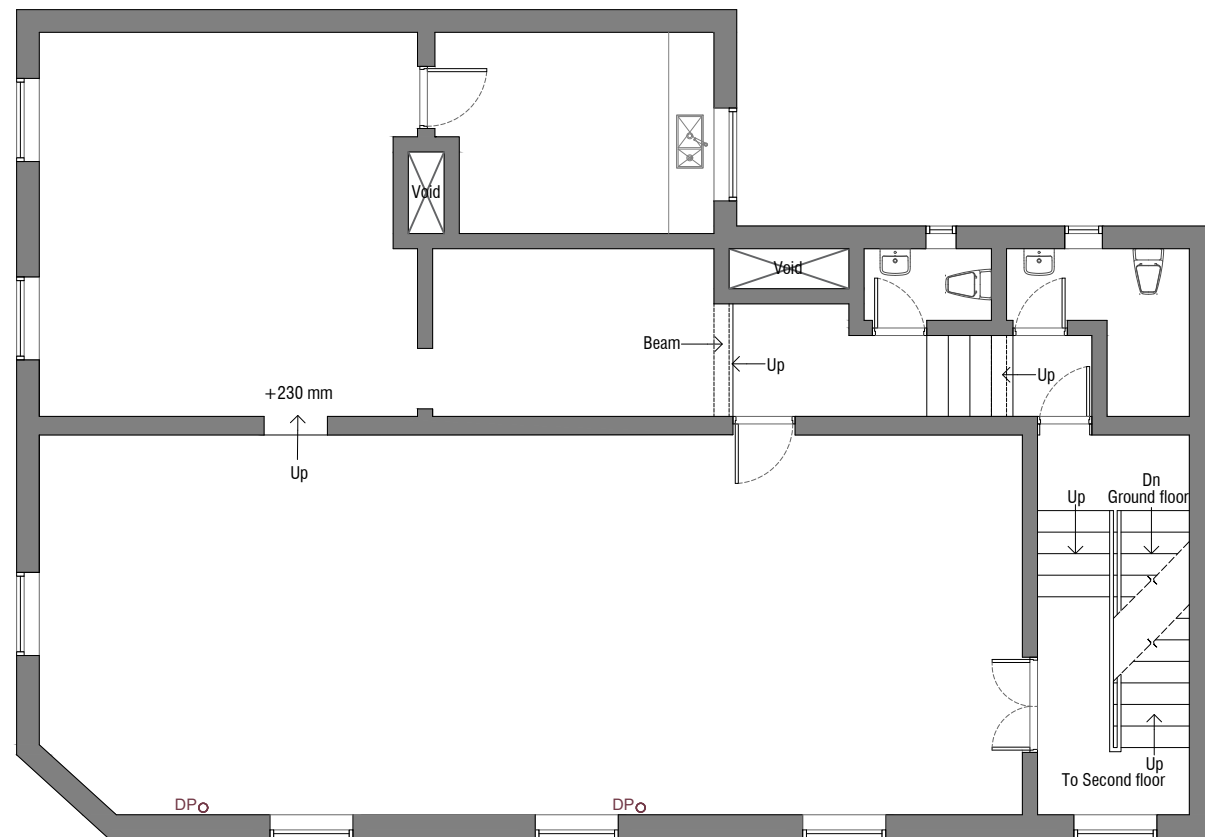
Existing Ground Floor Plan
Proposed Ground Floor Plan

Drawn - PW
Checked - NAS

DRHMO PA 001A

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DPo Existing Down Pipe

Typical Shower tray size 1000x800 mm

New windows opening

FD30s

HMO unit /House in multiple occupation

Shop units

Non-acoustically separating internal wall

Acoustically separating internal wall

100 mm timber or metal stud independent of existing wall with Kooltherm K112 insulation between studs Kooltherm K118 37.5mm over stud where plaster removed from existing wall ensure all gaps and holes are filled

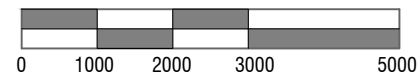
Party wall : use above system where party walls are one brick thick where half brick thick apply addition 15 mm thick sound board

WALL CONSTRUCTION KEY

- EXISTING WALL
- DEMOLITION
- New External wall

Existing First Floor Plan

SCALE 1:100@A3

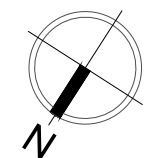
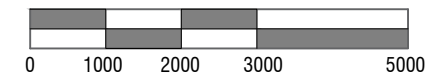


Windows to be filled with acoustic trickle vents

Permanent running silent extract fan

Proposed First Floor Plan

SCALE 1:100@A3



Commercial to Residential Conversion (HMO)

Dividing of Ground Floor Retail space

175-177 Dalton Road
LA14 1PX
Barrow In Furness

Revision Notes
N/A

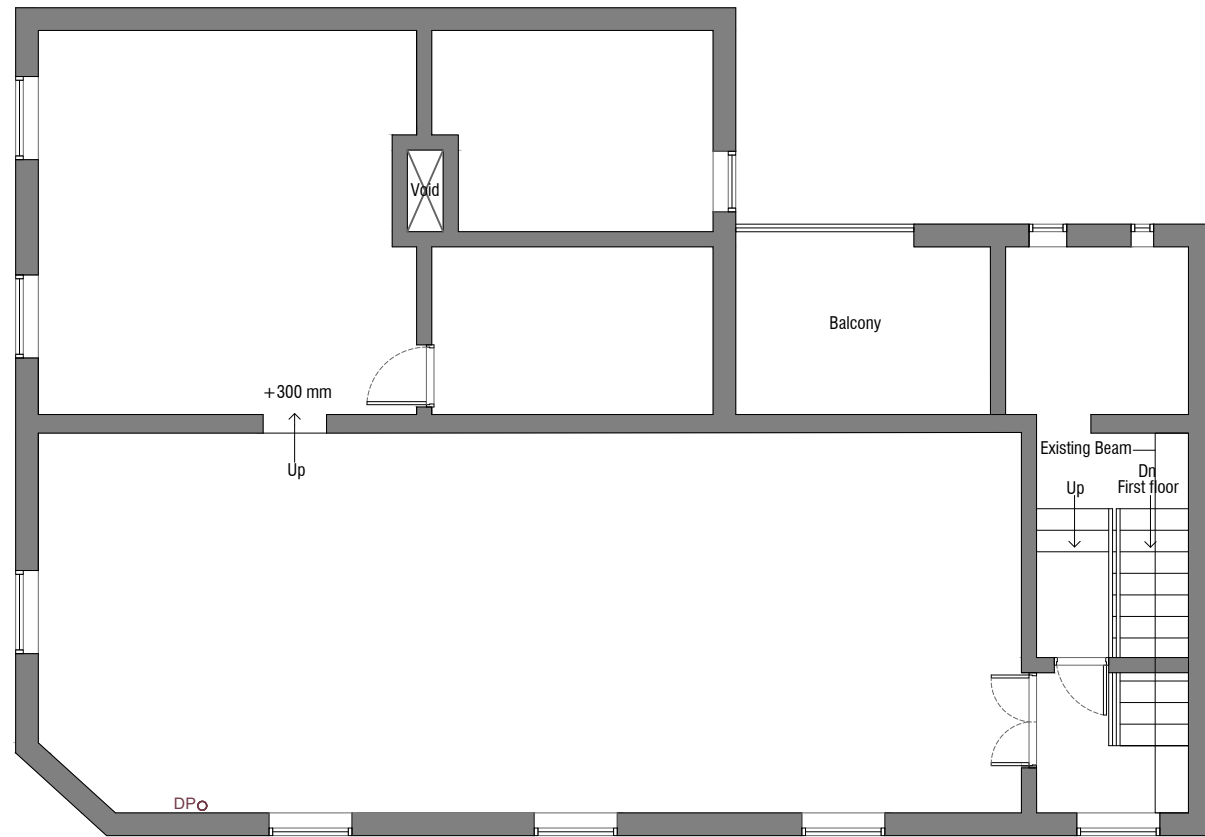
Existing and Proposed First floor Plan

Drawn - PW
Checked - NAS 01/12/2023

DRHMO PA 002A

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DPo Existing Down Pipe

Typical Shower tray size 1000x800 mm

New windows opening

FD30S

HMO unit /House in multiple occupation

Shop units

Non-acoustically separating internal wall

Acoustically separating internal wall

100 mm timber or metal stud independent of existing wall with Kooltherm K112 insulation between studs Kooltherm K118 37.5mm over stud where plaster removed from existing wall ensure all gaps and holes are filled

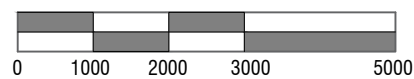
Party wall : use above system where party walls are one brick thick where half brick thick apply addition 15 mm thick sound board

WALL CONSTRUCTION KEY

- EXISTING WALL
- DEMOLITION
- New External wall

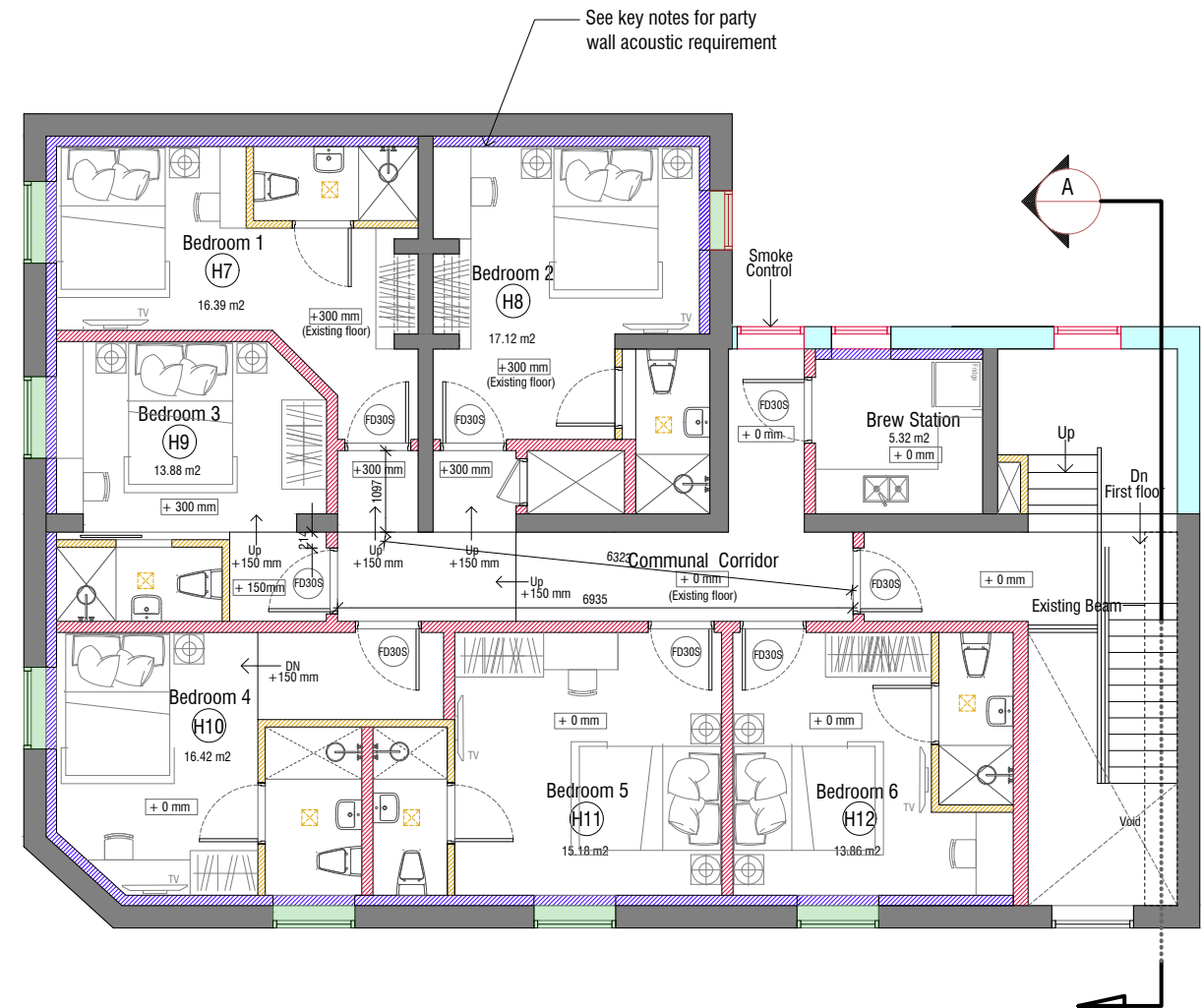
Existing Second Floor Plan

SCALE 1:100@A3



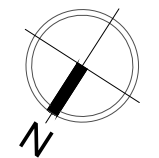
Windows to be filled with acoustic trickle vents

Permanent running silent extract fan



Proposed Second Floor Plan

SCALE 1:100@A3



Commercial to Residential Conversion (HMO)

Dividing of Ground Floor Retail space

175-177 Dalton Road
LA14 1PX
Barrow In Furness

Revision Notes
N/A

Existing Second floor Plan
Proposed Second floor Plan

Drawn - PW
Checked - NAS
01/12/2023

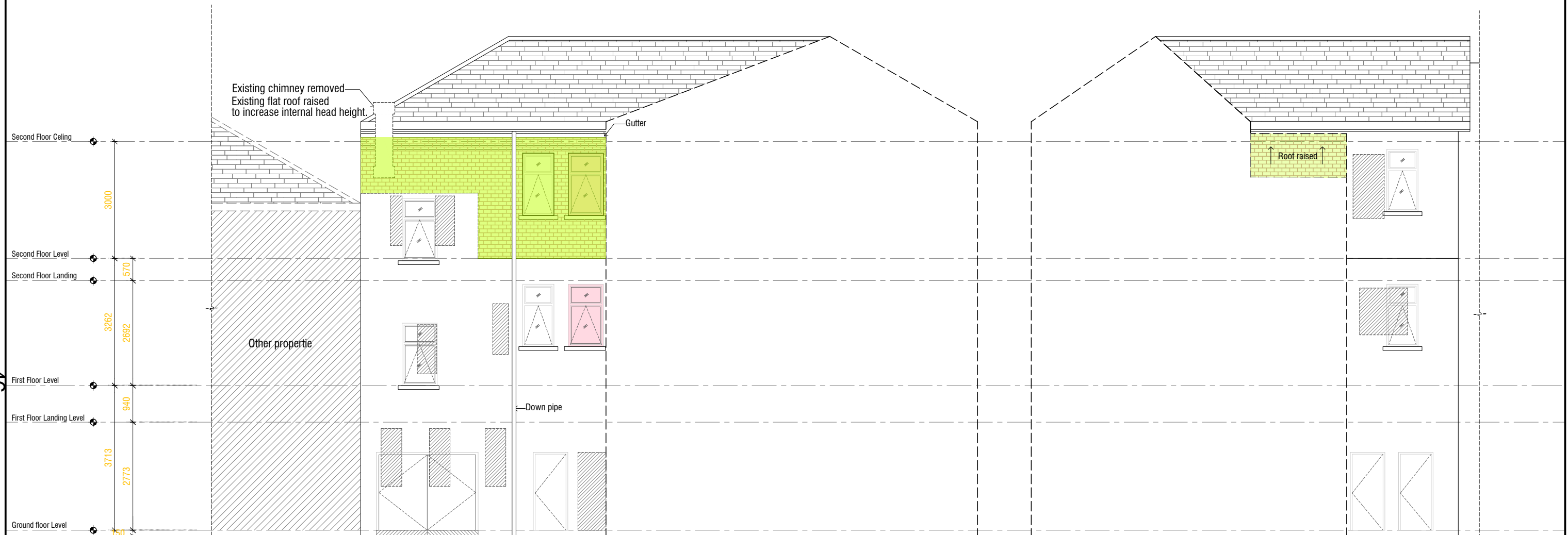
DRH/MQ PA 003A

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2023/0464

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- Raised flat roof extension to increase internal head height
- Smoke vent automated windows (Obscured glazing)
- Existing Doors and windows openings

Proposed South Elevation

SCALE 1:100@A3

Proposed West Elevation

SCALE 1:100@A3

| Proposed Material Schedule | |
|----------------------------|-------------------------------------|
| External wall | Render |
| Windows | PVCu |
| Window heads/cills | Reconstituted stone/Colour concrete |
| Doors | Timber/Composite security door |
| Rain water Goods | PVCu |
| Roof Covering | GRP flat roof/Mineral Felt |

Commercial to Residential Conversion (HMO)

Dividing of Ground Floor Retail space

175-177 Dalton Road
LA14 1PX
Barrow In Furness

Revision Notes
N/A
new rear external doors

Proposed South Elevation
Proposed West Elevation

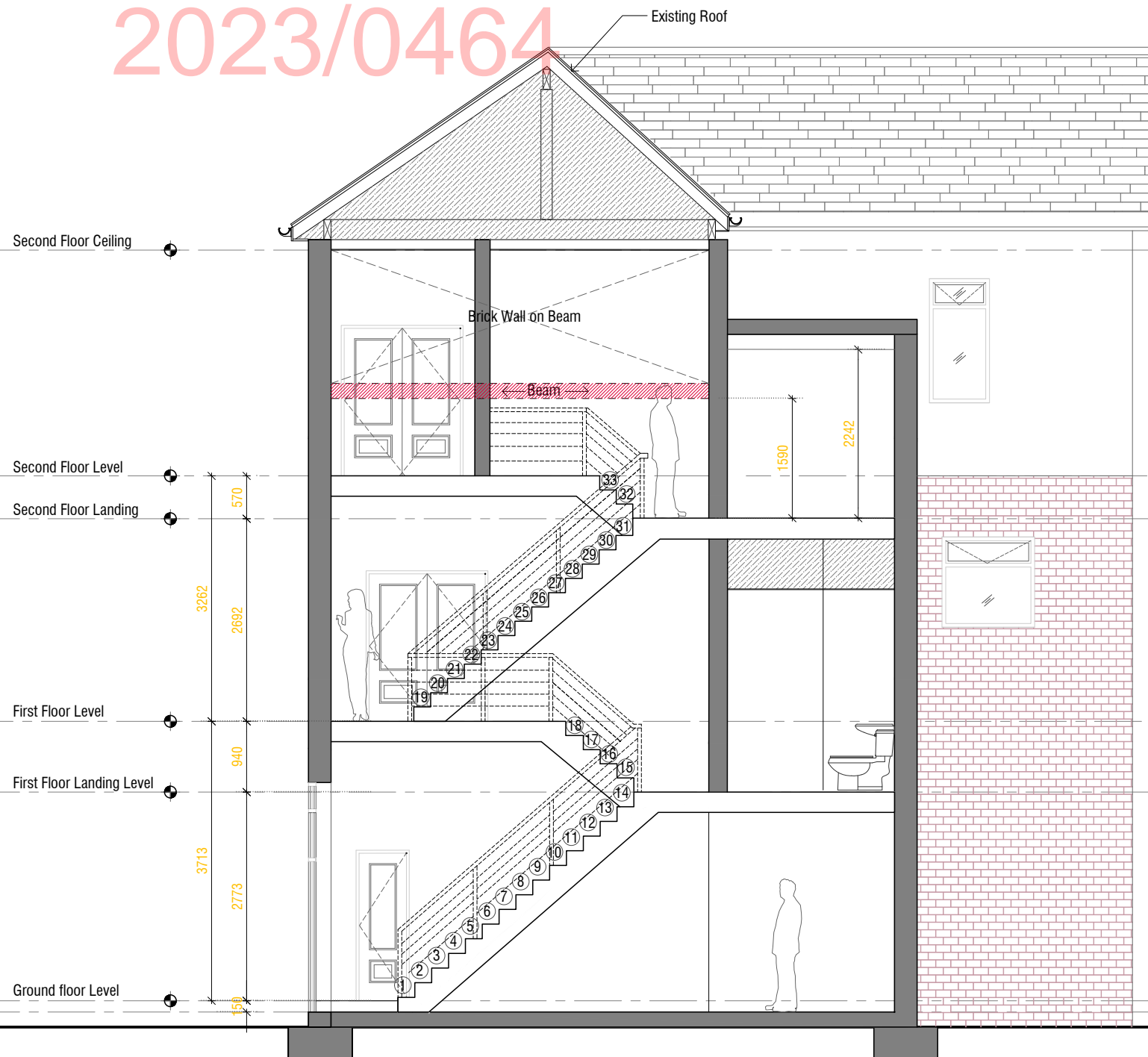
Drawn - PW
Checked - NAS

DRHMO PA 011A

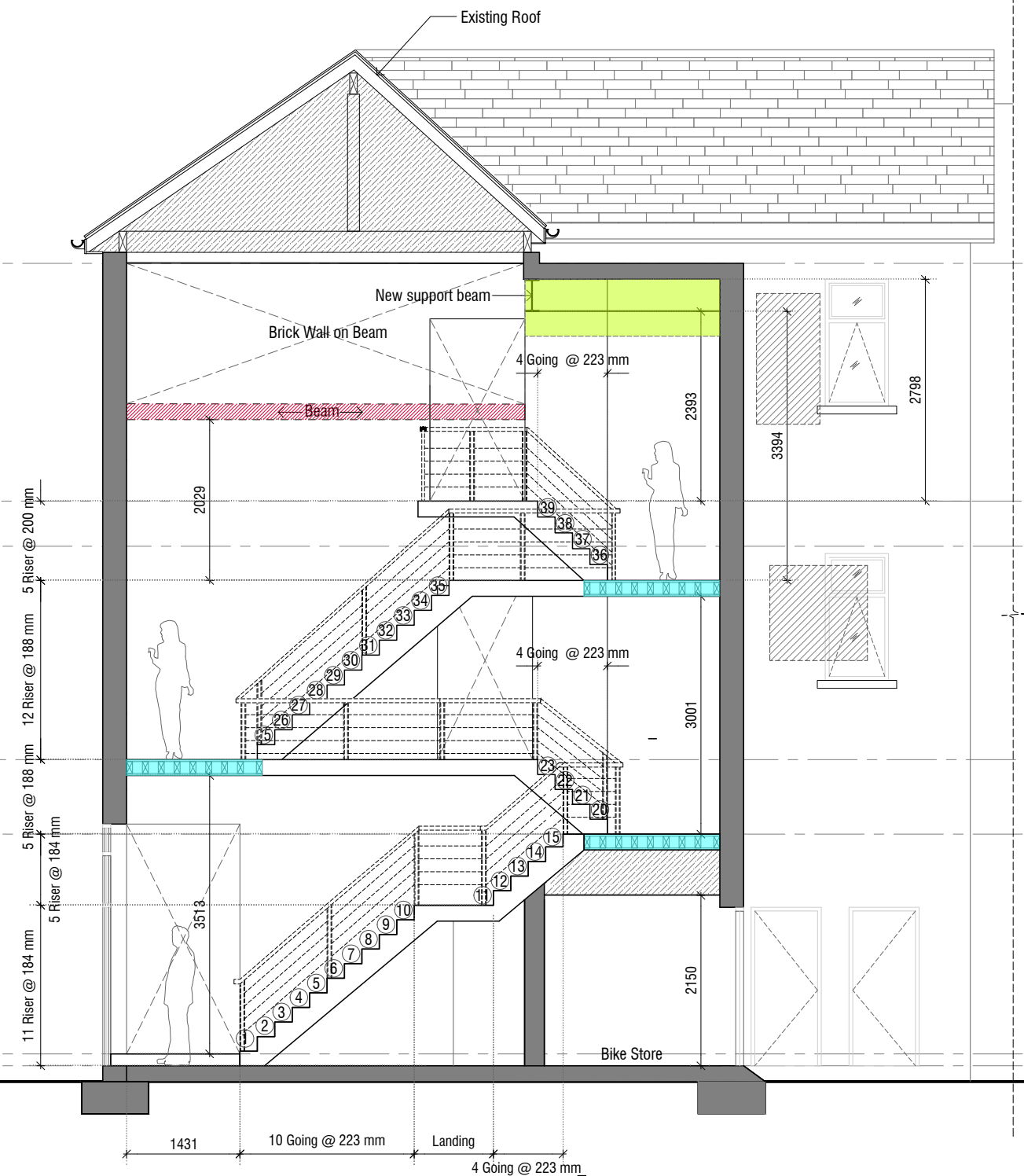
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2023/0464



Existing Section A-A
SCALE 1:75@A3



Proposed Section A-A
SCALE 1:75@A3

- Raised flat roof extension to increase internal head height
- Existing Doors and windows openings
- Joists span between wall without affecting head height

Commercial to Residential Conversion (HMO)
Dividing of Ground Floor Retail space

LA14 1PX
Barrow In Furness

Revision Notes
N/A
increased bike store enclosure and altered/ new rear external doors

Proposed Section A

Drawn - PW
Checked - NAS

DRHMO PA 012A

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48



- HMO /House in multiple occupation
- Shop unit 1
- Shop unit 2

Proposed North Elevation
SCALE 1:100@A3

Proposed East Elevation
SCALE 1:100@A3

| Proposed Material Schedule | |
|----------------------------|--|
| External wall | Painted render to match existing |
| Windows | PVCu/To match existing style |
| Window heads/cills | Reconstituted stone/Colour concrete |
| Doors | Timber/Composite security door |
| Rain water Goods | PVCu |
| Roof Covering | Existing slate mineral felt to flat roof |

Commercial to Residential Conversion (HMO)
Dividing of Ground Floor Retail space

175-177 Dalton Road
LA14 1PX
Barrow In Furness

Revision Notes
N/A

Proposed North Elevation
Proposed East Elevation

Drawn - PW
Checked - NAS
01/12/2023

DRHMO PA 0108

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Appendices of Saved and Emerging Policies

Note to Members

Below are the full wordings of the policies relevant to the applications found on the agenda today.

National Planning Policy Framework 2023

NPPF 011

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

NPPF 130

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

NPPF 203

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Barrow Borough Local Plan 2016-2031

Policy DS1 - Council's commitment to sustainable development

When determining planning applications the Council will take a positive approach to ensure development is sustainable. The Council will work pro-actively with applicants to find positive solutions that allow suitable proposals for sustainable developments to be approved wherever possible.

The Council is committed to seeking to enhance the quality of life for residents by taking an integrated approach to protect, conserve and enhance the built, natural and historic environment whilst ensuring access to essential services and facilities and a wider choice of housing. This will enable the Local Plan's Vision and Objectives to be met and

to secure development that simultaneously achieves economic, social and environmental gains for the Borough.

Planning applications that accord with the Development Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (or any document which replaces it) taken as a whole; or
- b) Specific policies in the Framework (or any document which replaces it) indicate that development should be restricted.

Policy DS2 - Sustainable Development Criteria

In order to meet the objectives outlined in Policy DS1, subject to other Development Plan policies which may determine the suitability of particular sites, all proposals should meet all of the following criteria, where possible, taking into account the scale of development and magnitude of impact and any associated mitigation by:

- a) Ensuring that proposed development incorporates green infrastructure designed and integrated to enable accessibility by walking, cycling and public transport for main travel purposes, particularly from areas of employment and retail, leisure and education facilities;
- b) Ensuring development does not prejudice road safety or increase congestion at junctions that are identified by the Local Highway Authority as being over-capacity;
- c) Ensuring access to necessary services, facilities and infrastructure and ensuring that proposed development takes into account the capacity of existing or planned utilities infrastructure;
- d) Ensuring that the health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development including from associated traffic are within acceptable levels;
- e) Respecting the residential amenity of existing and committed dwellings, particularly privacy, security and natural light;
- f) Protecting the health, safety or amenity of occupants or users of the proposed development;

- g) Contributing to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets;
- h) Contributing to the enhancement of biodiversity and geodiversity;
- i) Ensuring that construction and demolition materials are re-used on the site if possible;
- j) Avoiding adverse impact on mineral extraction and agricultural production;
- k) Ensuring that proposals incorporate energy and water efficiency measures (in accordance with the relevant Building Regulations), the use of sustainable drainage systems where appropriate and steers development away from areas of flood risk;
- l) Ensuring that any proposed development conserves and enhances the historic environment including heritage assets and their settings; and
- m) Development must comply with Policy DS3.

Where the applicant demonstrates that one or more of the criteria cannot be met, they must highlight how the development will contribute towards the achievement of the Local Plan objectives by alternative means.

Policy DS5 - Design

New development must be of a high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the site and planning applications must demonstrate a clear process that analyses and responds to the characteristics of the site and its context, including surrounding uses, taking into account the Council's Green Infrastructure Strategy. Proposals must demonstrate clearly how they:

- a) Integrate with and where possible conserve and enhance the character of the adjoining natural environment, taking into account relevant Supplementary Planning Documents;
- b) Conserve and enhance the historic environment, including heritage assets and their setting;
- c) Make the most effective and efficient use of the site and any existing buildings upon it;

- d) Create clearly distinguishable, well defined and designed public and private spaces that are attractive, accessible, coherent and safe and provide a stimulating environment;
- e) Allow permeability and ease of movement within the site and with surrounding areas, placing the needs of pedestrians, cyclists and public transport above those of the motorist, depending on the nature and function of the uses proposed;
- f) Create a place that is easy to find your way around with routes defined by a well-structured building layout;
- g) Prioritise building and landscape form over parking and roads, so that vehicular requirements do not dominate the sites appearance and character;
- h) Exhibit design quality using design cues and materials appropriate to the area, locally sourced wherever possible;
- i) Respect the distinctive character of the local landscape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, habitats and skylines. Where no discernible or positive character exists, creating a meaningful hierarchy of space that combines to create a sense of place;
- j) Create layouts that are inclusive and promote health, well-being, community cohesion and public safety;
- k) Incorporate public art where this is appropriate to the project and where it can contribute to design objectives;
- l) Ensure that development is both accessible and usable by different age groups and people with disabilities;
- m) Integrate Sustainable Drainage Systems of an appropriate form and scale;
- n) Mitigate against the impacts of climate change by the incorporation of energy and water efficiency measures (in accordance with the Building Regulations), the orientation of new buildings, and use of recyclable materials in construction; and
- o) Ensuring that new development avoids creating nesting sites for gulls e.g. through the provision of appropriate roof pitches.

Policy H26 - Large Houses in Multiple Occupation (HMOs) and the Subdivision of Dwellings

Proposals for the subdivision of dwellings and those which involve the creation of large houses in multiple occupation (over 6 occupiers) will be acceptable providing that:

- a) Such proposals do not lead to the unacceptable loss of good quality family housing, taking into account housing needs identified in the current Strategic Housing Market Assessment;
- b) There will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance;
- c) The proposal would not adversely affect the character of the building or the surrounding area, for example through an unacceptable increase in on-street parking;
- d) The proposed internal design ensures that units will have access to sufficient natural light, ventilation, privacy, outlook and indoor amenity space;
- e) The proposal does not lead to inappropriate stacking of rooms;
- f) Adequate suitably screened space is provided for the storage of refuse, recycling bins and cycles;
- g) Outdoor amenity space is provided where possible;
- h) There is adequate access from the residential unit to both the front and rear of the building;
- i) The proposal would not lead to an over-concentration of similar uses resulting in the loss of social and community cohesion; and
- j) The site is within easy reach of public transport and community facilities.

The design principles set out in the Development Strategy chapter should be followed where appropriate.

Policy R1 - The Vision for Barrow and Dalton Town Centres

Proposals for development or alterations within Barrow and Dalton town centres must support the Local Plan Vision for those areas.

Policy R17 - Conversion of upper floors to residential units within the town centre

The conversion of upper floors to residential use will be permitted where this will assist the regeneration of the area and will bring back vacant properties into use subject to the site being capable of providing an acceptable level of residential amenity and access for future occupiers. Any external alteration, such as the addition of front doors etc, must not harm the character and appearance of the town centre.

Developments that rely solely on access from a back street will not be permitted unless the scheme provides for suitable upgrading of the back street.

Policy R2 - Barrow Town Centre

For the purposes of interpreting the relevant policies in this chapter, Barrow's Town Centre is identified in Appendix I.

Policy R3 - Barrow's Primary Shopping Area

The Primary Shopping Area is the focus for retail uses in Barrow. It's boundaries are shown in Appendix I. Proposals for other main town centre uses (i.e. not A1) will be supported within the defined primary shopping area, provided that:

- a) The proposal complements the retail function and makes a positive contribution to the vitality, viability and diversity of the town centre, in terms of maintaining active continuous retail frontages, signage and hours of opening;
- b) The proposal would not give rise, either alone or cumulatively, to a detrimental effect on the character and amenity of the primary shopping area, or cause an unacceptable harm to the amenity of town centre residents; and
- c) The proposal will not have an unacceptable impact upon the local highway network and acceptable levels of parking are available nearby.

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PLANNING COMMITTEE

19th December 2023

Extra Information Book

| Page | App. No | Address |
|------|-----------|--|
| 2 | 2023/0464 | 175-177 Dalton Road, Barrow-in-Furness |

| | |
|--|-------------------------------|
| Local Area Planning Committee | Extra Information Item |
| Date of Meeting : 19/12/2023 | |
| Reporting Officer : Head of Development Management (Barrow) | |
| <p>Reference Number : B20/2023/0464</p> <p>Location : 175-177 Dalton Road, Barrow-in-Furness, Cumbria, LA14 1PX</p> <p>Proposal : Proposed conversion of commercial premises (use class E(a)) to 12 no. bedroom HMO (Sui-Generis) at first and second floors and welfare facilities at ground floor. Raising the roof height to the rear of the property by 1 metre and remodel of large existing ground floor shop unit to two smaller shop units and associated external alterations (amended description).</p> | |

Report :

Please find attached the developer's supporting statement which is referred to in the officer's report.

Dear Sir/Madam,

I write this letter to you in regard to our planning application B20/2023/0464. As can be seen from the application, we plan on converting the derelict building into a 12 bed hmo and 2 separate commercial units on the ground floor.

Having looked at the building originally and consulted with our architect we felt this proposal best suited the building layout and needs of the town centre.

As you are probably already aware, the town centre has gradually become less populated over the years with lots of businesses, including the larger chains struggling to continue to operate due to rapid decline in footfall in the town, which has resulted in sales decreasing, which has resulted in many of these businesses and buildings closing.

This lack of footfall is a problem in a lot of towns and cities across the UK due to a lot of people now using the internet for their shopping in certain sectors e.g. Clothes shopping. Lots of businesses are therefore struggling to compete in this market.

This has obviously had a negative impact on the town with many buildings now being derelict, which results in some areas looking an eye sore. The knock-on effect of this has seen less people visiting the town centre, which obviously has a knock-on effect to other businesses struggling financially.

A main factor of this could be the business rates these businesses were paying, which made it financially un-viable.

The businesses that tend to survive are the smaller ones that aren't having to compete with the internet e.g. Coffee shops, Beauty salons, Hairdressers, Restaurants and food shops etc.

We feel by carrying out these type of conversions that we can create smaller commercial units on the ground floor, which enables the rateable values of these units to decrease to a level whereby smaller businesses can qualify for business rates relief, which gives them more of a chance to survive.

Also by creating residential units on the upper floors, this will create more footfall in the town centre, which should benefit the businesses in the town.

This strategy is championed by the government, which is evident with the recent permitted development rights for these type of buildings.

On a personal level, I am a local developer who has been in and around the town for over 30 years and has seen the changes over the years.

I started developing properties 6 years ago, which has resulted in carrying out 3 commercial conversions of similar type properties in the town centre. It has by no means been easy and sometimes very stressful, however seeing the end results and finish of these once tired and derelict properties has made it worthwhile.

2 of these properties have been converted into semi-commercial properties, whereby we have 2 commercial units on the ground floor of Dalton Road (82 and 243 Dalton Road).

2023/0464
These businesses are smaller local businesses who seem to be doing well and providing a service to the town.

The upper floors are residential, which results in these people using the other businesses in the town centre.

The buildings are also modern and make the town look more aesthetically pleasing.

I have spent over £1,000,000 on purchasing and converting these properties, which has been mostly funded by outside investment.

I have also whenever practically possible used sourced and purchased the materials from the local suppliers within the town and used local trades for the majority of the works.

I hope it can be seen that I am trying to provide a good service to the town whilst also bringing in outside investment into the town to develop these derelict buildings.

I understand that hmo's are sometimes deemed as a negative to towns with locals not always wanting these type of properties.

I understand the reasons why and sympathise in certain instances, however I also feel these type of properties is beneficial in certain areas.

In Barrow town centre you don't tend to see a lot of locals wanting to live in the town centre itself, however people travelling into the area seem to want to stay central.

Having these type of properties in town centres can therefore only be a positive to increase footfall to the town centre, which results in more footfall to other supporting businesses.

Having too many hmo's can be seen as a bad thing, however I feel there is still a need for ones that are well designed and are of a high standard.

I would welcome any request for visits to our previous developments so you can see the high standard we provide.

However if this isn't possible I'd like to refer you to the attachment photograph's so you can see how we have converted these type of properties.

I hope you can support our application and also welcome any further questions.

Kind regards

52 Manchester St:
2023/0464

Before:



After:



2023/0464



82 Dalton Road:
2023/0464

Before:



After:



2023/0464



2023/0464



243 Dalton Road:

Before:





After:





2023/0464





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Barrow-in-Furness Local Area Planning Committee

| | |
|--|--|
| Report Title: | Appeal Decision – 52 Paradise Street, Barrow in Furness |
| Meeting: | Barrow in Furness Local Area Planning Committee |
| Meeting Date: | 19 th December 2023 |
| Report Author: | Jennifer Dickinson |
| Lead Cabinet Member(s): | |
| Wards Affected | Old Barrow Ward |
| PUBLIC, PART EXEMPT OR FULLY EXEMPT | Public |
| List of Appendices | Appendix A: Appeal Decision APP/W0910/W/23/3319147 Appendix B: Committee report dated 17 th January 2023 (Appendix B) |

1. Executive Summary

- 1.1 The decision on the appeal for 52 Paradise Street, Barrow in Furness has been received from the Planning Inspectorate. The appeal has been **allowed** subject to conditions.

2. Recommendation

For the reasons set out in this report, it is recommended that -

- 2.1 The contents of this report are noted by Members.

3. Information: the Rationale and Evidence

- 3.1 An application for the conversion of 52 Paradise Street, Barrow in Furness to a 14 bedroom house in multiple occupation (Use Class Sui Generis) including works to convert existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance was refused, against officer recommendation, by legacy Barrow in Furness Borough Council Planning Committee on 17th January 2023. See report attached as Appendix B.

- 3.2 The reason for refusal was:

- 3.2.1 In the opinion of the Planning Authority, approval of the proposal would be contrary to Local Plan Policy H26 in that it would lead to an over concentration of similar uses with resultant adverse impact on the residential character, amenity and parking in the local area.

- 3.3 A subsequent appeal under section 78 of the Town and Country Planning Act 1990 was submitted to the Planning Inspectorate by the applicants. No application was made by appellants for an award of costs.
- 3.4 The application was dealt with through the written representations procedure and the Inspector has independently assessed the application following submission of information from both parties (The Council and the Appellant). A decision was issued on 8th December 2023 by the Planning Inspectorate to allow the appeal subject to conditions.
- 3.3 The notice is attached as Appendix A which explains the rationale of the Inspector's decision.
- 4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)**
- 4.1 In terms of the Council's priorities it will provide accommodation within the town centre which will introduce greater footfall to the town centre to assist the economy. The sustainable location of the site close to public transport should assist in reducing reliance upon the private car.
- 5. Consultation Outcomes (with services, ward councillors & public consultation where required)**
- 5.1 Not applicable
- 6. Alternative Options Considered**
- 6.1 Not applicable
- 7. Financial Implications and risk**
- 7.1 Not applicable
- 8. Legal & Governance Implications**
- 8.1 Not applicable

9. Human Resources Implications

9.1 Staff time spent on appeals is a cost resource to the Council.

10. Equality & Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

10.1 Not applicable. This report is for information only and these will have been considered by the decision-maker, as necessary.

11. Background Information & Sources (used in preparation of this Report)

11.1 Appeal decision (Appendix A)

11.2 Committee report dated 17th January 2023 (Appendix B)



Appeal Decision

Site visit made on 23 November 2023

By A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/W0910/W/23/3319147

52 Paradise Street, Barrow-in-Furness, Cumbria LA14 1JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Clark and Mr Gregory against the decision of Barrow-in-Furness Borough Council.
- The application Ref B20/2022/0709, dated 6 October 2022, was refused by notice dated 17 January 2023.
- The development proposed is described as conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance at 52 Paradise Street, Barrow-in-Furness, Cumbria LA14 1JG in accordance with the terms of the application, Ref B20/2022/0709, dated 6 October 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit slightly reordered.

Main Issue

3. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the provision of houses in multiple occupation.

Reasons

4. The appeal site comprises a large end terrace property located on a predominantly residential street at the junction of Harrison Street. The appeal site is also located within the defined town centre and is close to a number of services and facilities, including public transport.
5. Barrow Borough Local Plan (BBLP) Policy H26 establishes a number of criteria that will be taken into account for development proposals for Large Houses in Multiple Occupation (HMO). The parts most relevant to this appeal are b), c) and i).

6. Criterion b) of Policy H26 states there will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance. The most recent use of the building, from the evidence presented, is that of an office that was open to the public.
7. This use of the building is likely to have generated a large number of comings and goings, including vehicles, during the day. As such, a decrease in movements could be reasonably expected from the appeal proposal. The proposed development would generate additional comings and goings into the evening and at night. However, I do not consider that given the appeal building's location at the end of the terrace, the scale of such activity in respect of noise or disturbance would be such that it would cause any material harm to the occupiers of neighbouring residential properties in what is an established residential area.
8. Furthermore, having considered the submitted drawings and the appeal building's relationship with surrounding properties, there is no substantive evidence before me to conclude the proposed scheme would result in any unacceptable loss of privacy to the occupiers of nearby properties. Accordingly, the requirements of criterion b) are met.
9. Criterion c) seeks to ensure that HMO proposals do not adversely affect the character of the building or the surrounding area.
10. The proposed development would see a number of changes to external elevations and the roof. These include the relocation of the entrance, alterations to the roof, including a gable with dormers inserted and a roof terrace. The proposed changes to the elevations are minimal and would still allow the form of the original building to be read and understood. The works to the roof are more substantial. However, these would largely be restricted from public view by the L-shape of the finished roof form. As such, the changes would not unduly affect the character of the building or surrounding area.
11. At the time of my site visit, mid-morning on a Thursday which I appreciate is only a snapshot in time, there were a number of vehicles parked on the roads surrounding the site. Signage advising permits was also in place. Nevertheless, there were several areas where on-street parking spaces were available. Additionally, there was also availability on nearby private car parks, including the one adjacent to the appeal building.
12. I do not know what level of car ownership future occupiers may have and this may fluctuate over time. Nonetheless, there is the potential for each occupier to have access to a car and this could lead to a number of additional vehicles parking in the area. However, from my observations on site there is parking available on nearby private car parks and on the surrounding streets to accommodate the potential increase in vehicle numbers.
13. Furthermore, as the site is readily accessible to alternative public transport, including buses and trains, future occupiers may choose not to own a private vehicle. In any event, should this not be the case, the level of parking required could be sufficiently absorbed within the surrounding area without detriment to the character of the area. As such, criterion b) is satisfied.
14. Criterion i) seeks to avoid proposals that would lead to an over-concentration of similar uses resulting in the loss of social and community cohesion.

15. I note the concerns of the Council and other interested parties about the location and number of HMOs, including unlicensed HMOs in the locality, and the effects of such concentrations. However, from the map provided by the Council¹, even taking into consideration the HMO at 9 Harrison Street, the number of licensed HMOs is well dispersed within the surrounding area. Outside of the shopping area and within the surrounding residential streets, I observed quiet and well-kept urban street scenes of what appeared to be predominantly family homes. As such, even if I were to accept there are unlicensed HMOs which have not been identified, there was negligible aural or visual evidence, such as litter, noise or parking congestion, one would expect in an area with an imbalance towards HMOs.
16. I have not been supplied with any substantive evidence to demonstrate that existing HMOs within the area have resulted in a significant increase in crime. Having regard to the nature of the application there is no cogent evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour. Additionally, there is no convincing evidence to demonstrate the proposed development would place an unacceptable demand on local services. The proposal would therefore satisfy criterion i) of Policy H26.
17. Overall, I conclude that it has been shown that the appeal site is a suitable location for the proposed development, having regard to the development plan's approach to the provision of HMOs. The proposal would accord with Policy H26 of the BBLP.

Conditions

18. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.
19. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. It is necessary, in the interests of the character and appearance of the area, to secure bin storage. In the interests of living conditions of future occupiers, a condition is necessary for soundproofing.

Conclusion

20. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

A Hickey

INSPECTOR

¹ Ref: Appendix 1 - 52 Paradise Street, Barrow-in-Furness LA14 1JG – Appeal 3319147, dated 11/10/2023

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings 22031-300-A, 22031-301, 22031-310-A, 22031-306-A, 22031-308-A, 22031-309-A, 22031-305-B, 22031-304-C and 22031-307-A.
- 3) The bin storage area, as shown on approved drawing 22031-304-C, shall be implemented prior to any occupation of the building and thereafter retained as such.
- 4) Prior to the occupation of the property, the soundproofing as detailed on approved plans 22031-307-A, 22031-308-A, and 22031-310-A shall be installed and permanently retained.

End



DEVELOPMENT MANAGEMENT

PLANNING COMMITTEE
17.01.23

DEFERRED BOOK

PLANNING APPLICATION FOR DECISION

Deferred from meeting 13th December 2022

Ladies and Gentlemen,

The applications within this report have been submitted for determination under the Town and Country Planning Acts and associated legislation.

All applications in this report are “Delegated” to this Committee but can be moved “Non-Delegated” by a Member of the Committee under the terms adopted for the Scheme of Delegation approved by Council, 16th May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8th August, 1995). All applications left as Delegated will be decided by the Committee and will not be subject to confirmation by Council.

The application plan numbers also refer to files for the purposes of background papers.

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 12 noon, three working days before the date of the Planning Committee meeting. Information on how to make the application can be obtained by viewing the Council's website www.barrowbc.gov.uk or by contacting the Planning Business Support Team at consultplanning@barrowbc.gov.uk or by telephone on 01229 876405..

Jason Hipkiss

Head of Development Management

B20/2022/0709
Planning Committee 17.1.23



Deferred Item

| | |
|--|--|
| Application Number : B20/2022/0709 | Date Valid :06/10/2022 |
| Address : 52 Paradise Street Barrow-in-Furness Cumbria LA14 1JG | Case Officer : Jennifer Dickinson |
| Proposal : Conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Suis Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance. | |
| Ward : Hindpool Ward | Parish : N/A |
| Applicant : Mr Clark and Mr Gregory C/o Agent | Agent : Mr Andy Pickup, Plan Design Go Ltd |
| Statutory Date : 01/12/2022 | Recommendation : Granted with conditions |
| Barrow Planning Hub | |

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

National Policies

1. National Planning Policy Framework 2021 - Paragraph 011
2. National Planning Policy Framework 2021 - Paragraph 047
3. National Planning Policy Framework 2021 - Paragraph 130
4. National Planning Policy Framework 2021 - Paragraph 203

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
4. Barrow Borough Local Plan 2016-2031 - Policy H26 - Large Houses in Multiple Occupation (HMOs) and the Subdivision of Dwellings
5. Barrow Borough Local Plan 2016-2031 - Policy HC4 - Access to buildings and open spaces

- 6. Barrow Borough Local Plan 2016-2031 - Policy I6 - Parking
- 7. Barrow Borough Local Plan 2016-2031 - Policy R18 - Residential Protection Areas

Summary of Main Issues

The key considerations for this proposal are potential impacts upon residential and visual amenity along with compliance with Planning policy. Representations have been received raising concerns over parking, increased footfall, privacy, noise, safety of young children and the impact of the proposed external design.

Non Material Considerations

The status of potential future occupiers.

Matters covered under other legislation, for example the possession of a resident parking permit does not guarantee a space.

Response to Publicity and Consultations

Neighbours Consulted

Street Name Properties

Harrison Street 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 27, 29, 3, 32, 34, 35, 36, 5,
 7, 9,
 South Row 141,

| Responses | Support | Object | Neutral |
|------------------|----------------|---------------|----------------|
| 20 | 0 | 19 | 1 |

Site notice displayed expiring on 31.10.22

Summary of Responses

We have received the same letter from 18 residents on Harrison Street. They state that there are currently 2 properties operating as 4 bed HMO's in the street and potentially another is currently being altered. They raise concerns over:

- The pressure on parking given that they can only park on one side of the street. They state there are only 12 spaces available and that those with parking permits cannot park outside their homes currently.

- The safety of young children. There are currently 12 children of junior age living close to the area of the proposed building. There is concern over the status of future occupiers of the site and potential for large numbers of occupants coming and going regularly.

An additional letter raised concerns regarding the proposed application of render to the external face of the building and subsequent loss of existing brick detailing and features. There was another letter received highlighting concerns over impact on parking, increased footfall, impacts on privacy and noise levels on the street.

Organisations Consulted

Consultee

BAE Systems - Emergency Planning Officer (Nuclear)
 Barrow Borough Council (Building Control)
 Barrow Borough Council (HMO) Jayne Parrington
 Barrow Borough Council (Planning Policy)
 Cumbria County Council (Emergency Planning)
 Cumbria County Council (Highways)
 Office for Nuclear Regulation (Nuclear)
 United Utilities (Planning Liaison)

List of Organisation Responses

Barrow Borough Council (Building Control) 07/10/2022

Building regulation approval required for the proposals.

Barrow Borough Council (HMO) 21/11/2022

"Thank you for sending a copy of the Planning Application for 52 Paradise Street, Barrow.

I can confirm that this property will require a Mandatory HMO Licence under The Housing Act 2004 and will therefore have to comply with this process before a licence can be granted.

I would like to advise of the following concerns:

The plans do not currently show the fire safety measures to the property, please note we request the fire safety in the property conforms to LACoRS Housing-Fire Safety Guidance.

Government Guidelines state there should be a maximum of 5 people sharing a kitchen and it is unclear if there is a kitchen cupboard per person, a fridge shelf per person or freezer shelf per person which is what we request.

It is unclear of the size of the rooms, please note that the minimum standard is 6.51 sqm for a single occupant and 10.22sqm for two occupants (this excludes the en-suites).

As the second floor bedsits have sloping roofs any part of the floor area of a room where the ceiling height is less than 1.5 metres is not to be taken into account in determining the floor area of that room.

Should you wish to discuss this matter further please do not hesitate to contact me."

Cumbria County Council (Emergency Planning) 10/10/2022

"The BAE site is covered by the provision of the Radiation (Emergency Preparedness and Public Information) 2019 Regulations. There are no objections to the proposed development based on the information provided but it should be noted that the proposed development is situated within the Detailed Emergency Planning Area of BAE. Cumbria County Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements made for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site.

Accordingly I would be grateful if you could, in the event of the application being approved, advise the applicant to liaise with this office to allow for further discussion."

Cumbria County Council (Highways & LLFA) 10/11/2022

"Thank you for your consultation on 20 October 2022 regarding the above Planning Application. Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Advisory statement - lack of on-site parking and amenity impact on local residents

The lack of off-street parking provided with the development will lead to additional demand for on-street parking in an area where there is existing pressure on spaces in the Residents Parking Zone.

Therefore, in accordance with current CCC policy, the occupiers of these flats/apartments/houses would not be entitled to residents parking permits for this area. However, where possible, applications for Residents Parking permits will be considered."

Office for Nuclear Regulation (Nuclear) 19/10/2022

"With regard to Planning Application B20/2022/0709. The ONR Land Use Planning team are unlikely to complete consultation with the relevant emergency planners within the consultation timescale and I would therefore make the following conditional representation in order to ensure that we do not contribute to any delay in the planning process.

The scale and location of the proposed development is such that ONR do not advise against this application unless the emergency planners at Cumbria County Council which is responsible for the preparation of the Devonshire Dock Complex (Barrow) off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPPIR) 2019 state that, in their opinion, the proposed development cannot be accommodated within their off-site emergency planning arrangements.

Should you have any queries regarding this advice, please contact ONR via e-mail to ONR-Land.Use-Planning@onr.gov.uk.

I would be grateful if you would notify ONR of the outcome of the determination of this application."

Officers Report

1. Site and Locality

1.1 The host property is a three-storey property which first appears on historic maps in 1892. It is set at the end of Harrison Street which rises up to the east. The external face of the building on both the Harrison Street and Paradise Street elevations is faced in red brick and yellow stone with a polychromatic grey and red curved brick design above the ground floor windows with a band of lighter yellow brick below the cills at ground and first floor level, which adds an interesting design to the external face of the building. The hip roof is currently covered in a grey slate coloured roofing material. Whilst not listed, the property has some value as a non-designated heritage asset.

1.2 The site is set within the town centre as defined in the local plan approximately 18m from the primary shopping area. Its most recent use has been as a CADAS office. It appears to have been in office use dating back to the 1970's, and there is some evidence of previous external alterations. Adjacent to the site is Harrison Street which is a tight knit street with parking along one side with rows of terraced dwellings beyond the site to the north and east. Directly opposite the site to the west is a pay and display car park and beyond this is the retail area of Dalton Road.

2. Proposal Details

2.1 Conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance.

2.2 The proposal involves the creation of accommodation over three floors. At ground floor level, five en-suite bedrooms, a bin store and a cycle store are proposed. At first floor level, six bedrooms and communal kitchen area are proposed. At second floor level, three en-suite bedrooms, a kitchen/living area is proposed along with a roof terrace. Bedroom sizes range from 10.2m² to 16.1m².

2.3 The external changes include the relocation of the entrance doorway, addition of a roof light and alteration of the roof design on the Paradise Street elevation and the formation of a gable roof adjacent to the back street in matching brick. On the Harrison Street elevation, three rooflights are proposed with obscure glazing panels to the top half of the first-floor windows introduced. To the rear, at ground floor level, revised door openings are shown to serve the bin store and provide a rear entrance. It is proposed to introduce two dormer windows in the roof which are to be clad in hanging tiles, a roof terrace and 1.8m high boundary wall and glazed screen.

3. Relevant History

3.1 1986/0846 12 Harrison Street, Barrow-in-Furness - Change of use from dwelling to office for architectural practice Appcond 13/11/1986

3.2 57/2004/1024 12 Harrison Street Barrow-in-Furness - Change of use from office (B1) to dwelling (C3) and erection of a single storey rear extension (amended description). Appcond 18/11/2004

3.3 B20/2012/0121 12 Harrison Street Barrow-in-Furness - Change of use from office to a single dwelling. Appcond 22-MAR-2012

4. Officer Assessment

4.1 This application is being reported following a 'Minded to Refuse' resolution from the December 2022 meeting. The draft minutes of this meeting record as follows:

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

"RESOLVED:- It was agreed that consideration of the application be deferred to the next meeting, since the Committee had been minded to refuse the application on the grounds that approval of the proposal would be contrary to Local Plan Policy H26 in that it would lead to an over concentration of similar uses with resultant adverse impact on the residential character, amenity and parking in the local area".

Over concentration of similar uses

4.2 When considering this matter in the officer assessment, it is relevant to explain in more detail. Any HMO conversions which have occupiers of 5 people or more are licensed through Housing legislation, which confusingly, differs from the Planning legislation as detailed below. The Council keep a record of these properties on our internal mapping system to refer to for circumstances such as this application. This enables an assessment under criteria (i) of policy H26 which states:

i) The proposal would not lead to an over-concentration of similar uses resulting in the loss of social and community cohesion;

4.3 In this instance, there are 2 licensed HMOs on Harrison Street, consequently there does not appear to be an over-concentration in the immediate area. Reference has been made in representations to 2 other properties on Harrison Street allegedly occupied by 4 people with a potential 3rd being converted. It is relevant to consider whether this number of people would have a markedly different impact, as defined in the policy, to a family of up to 6 people occupying a dwelling.

4.4 Within the latest General Permitted Development Order (GDPO) there is a Permitted change of use under Class L between a C3 residential family use and C4 Houses in multiple occupation. Class C4 is defined as shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. This permitted development allowance, which is granted by an Order serving the whole of England, allows the flexibility of properties to change between the C3 and C4 uses and indicates that the level of impact from such a change is considered acceptable in planning terms.

Residential Character

4.5 The locality of the site whilst residential in nature, including some small HMOs, is also peripheral to the town centre, and adjacent to a public car park, hence it will experience some increased level of noise and traffic. There is no evidence to show that the proposed use will significantly impact upon the character of the area over and above the current levels of activity, leading to a tangible loss of amenity for residents, nor tip the balance that results in an over concentration of HMO uses. The integrity of the Plan policy is retained.

Amenity

4.6 The application provides soundproofing throughout the building, with internal bin storage to reduce obstruction of the back street. This aspect of multi occupation is often a source of complaint from neighbours. Furthermore, the agent has also provided supporting information to show how existing properties from the applicant are managed, which is a useful indication as to the anticipated effect of the proposal, and should mitigate any concerns.

Parking

4.7 In policy terms, there is a general relaxation of parking standards within the central area, due to the availability of public transport and access to public car parks. The County Council has confirmed that the property will not be eligible for the residents parking scheme and the property conversion should not impact on existing issues in the locality. A pay and display car park is available directly opposite the site for future occupiers to use, if necessary.

Current lawful use of property

4.8 The property is currently vacant. Its lawful use is Class F1, which can operate without the need for planning permission, means that it could open as a school for example, or a public hall as detailed in my original report. The potential cumulative impacts of these uses, which could be significant at certain peak times, are considered in the planning balance and afforded weight in the consideration.

Assessment

4.9 Having revisited the proposal and taken into account Members concerns at your last meeting, I find no sustainable reason to alter my recommendation. In light of current multi-occupation related tensions within the town, whilst the concerns of local residents are no doubt genuine, Members must determine this application on the basis of the material Planning evidence before them.

4.10 Whilst there are two licensed HMOs in the street these are over 100m away and beyond the point where School Street crosses Harrison Street. Records show a concentration of HMOs within Storey Square, Ramsden Street and Mount Pleasant, historically areas where the larger properties have proven suitable for multiple occupation. Whilst representations report alleged HMOs within the immediate area of the application site, these are within the permitted Use Class, and their impact is likely to be no more than that a large family with teenage or adult siblings.

My original report follows on:

4.11 The key considerations for this proposal are residential and visual amenity along with compliance with Planning Policy. Representations have been received raising concerns over parking, increased footfall, privacy, noise, safety of young children and external design.

Principle of Development

4.12 The site is set in a town centre location within an established residential area. The lawful use of the property is that of a F1 use class which is defined as:

- **F1 Learning and non-residential institutions** – Use (not including residential use) defined in 7 parts:
 - **F1(a)** Provision of education

- **F1(b)** Display of works of art (otherwise than for sale or hire)
- **F1(c)** Museums
- **F1(d)** Public libraries or public reading rooms
- **F1(e)** Public halls or exhibition halls
- **F1(f)** Public worship or religious instruction (or in connection with such use)
- **F1(g)** Law courts

4.13 Most recently it has been used by CADAS. Upon checking their website, they appear to be a charitable organisation that offer support and guidance for clients of all ages surrounding substance abuse and addictive behaviour including educational workshops. This will have had an established level of comings and goings to the site, including both pedestrian and vehicular traffic. When considering potential impacts arising from alternative uses of the property which could occur without the need for a planning application, this is relevant to note. Whilst the existing use is non-residential, there is scope for a wider permitted use of the site, potentially as a school or other use by another organisation which would fall into the above categories. It is in this context that additional impacts from the proposed use are considered.

Relevant Policies and Guidance

4.14 The National Planning Policy Framework (NPPF) confirms the status of the Development Plan (i.e. Barrow's Local Plan) as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

4.15 In terms of National Planning Policy, paragraph 11 of the NPPF requires that development proposals that accord with an up-to-date development plan are approved without delay. When considering development plan policies, a key policy which relates to this type of proposed development is local plan policy H26 - Houses in multiple occupation. This sets criteria to assess applications against. Taking these in turn:

Proposals for the subdivision of dwellings and those which involve the creation of large houses in multiple occupation (over 6 occupiers) will be acceptable providing that:

a) *Such proposals do not lead to the unacceptable loss of good quality family housing, taking into account housing needs identified in the current Strategic Housing Market Assessment;*

4.16 The site has been in office use for many years and the proposal will not impact on good quality family housing.

b) *There will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance;*

4.17 This is a key area for consideration. The host property is an end of terrace site with one attached residential property. There are residential properties directly opposite in Harrison Street. The locality of the site is largely residential in nature.

Privacy

4.18 In terms of impact on privacy, existing established separation distances will be retained between properties. The existing openings in the site are to be used for bedroom windows. Due to the nature of the locality the separation distances between the properties are approximately 9m. When considering local plan policy on protection of residential privacy (H17), this makes reference to existing separation distances. It allows for exceptions to the usual required separation distance where normal standards cannot be achieved and existing standards will not be eroded by accepting distances of less than 21m.

4.19 The locality of the site has a tight knit pattern of properties and window coverings are a common feature in the locality to protect privacy. In addition to facing windows, a rear roof terrace is proposed, in this case, the separation distance across the rear of the site is considered to be acceptable to protect privacy along with the brick-built boundary wall along the boundary with the attached neighbour. Whilst the 21m separation cannot be achieved on the Harrison Street elevation, this is an established situation. Local plan policy does provide for situations such as this.

Noise

4.20 In terms of noise, the agent has provided clear details of soundproofing to both internal and external walls which should be sufficient to mitigate any increase in noise from the property to the adjacent neighbour. This is the area that can be controlled in relation to this application.

4.21 Whilst a representation has made reference to concerns over noise levels on the street, this is an area which potentially could occur at any time on any street and would be difficult to differentiate between this proposed residential occupancy and any other occupancy of properties elsewhere. It is also relevant to note that a level of comings and goings from the site could also occur as a result of the established use.

4.22 A rear roof terrace is proposed. Whilst this provides external amenity space, existing environmental legislation exists which, should it be necessary, would provide noise protection. The purpose of planning is not to replicate matters which are covered by other legislation.

Other disturbance

4.23 Details have also been provided of how the similar sites operated by the applicant are managed. They state that a program of weekly inspections take place along with lead tenants that ensures the management agent is able to monitor day to day issues. Nearby residential properties will be able to liaise with the building managers and raise any concerns. This along with the licensing of such properties should be sufficient to ensure any matters raised are quickly addressed.

c) *The proposal would not adversely affect the character of the building or the surrounding area, for example through an unacceptable increase in on-street parking;*

Parking

4.24 This is another key area for consideration, there is limited on street parking in the locality of the site which has been a key concern for nearby residents. Cumbria Highways have been consulted on the scheme and raised no objection. They have made clear that resident parking permits will not be made available to future occupiers. In general terms policy relaxes the usual off-street parking requirement on the basis that the town centre is a sustainable location with easy access to public transport as well as public car parks. Directly opposite the site is a private car park which operates on a pay and display basis. Should future occupiers wish to park, this is available along with other town centre car parks within walking distance.

Character

4.25 The original submission introduced a rendered appearance to the external face of the building. Following discussion with the agent, a revised scheme has been submitted removing this element and retaining the existing brick face of the property which has some interesting features. This will now not adversely affect the character of the building.

4.26 The proposed loft conversion element of the proposal introduces an alteration to the roof from a hip to gable on the corner with Paradise Street and the back street. When viewing the site and its locality, gable roofs are a feature. This, along with the proposed rear dormers should have a modest visual impact within acceptable levels.

d) *The proposed internal design ensures that units will have access to sufficient natural light, ventilation, privacy, outlook and indoor amenity space;*

4.27 The internal layout provides each en-suite room with a minimum of one window, in some cases there are as many as four windows on the corner rooms. The rooms will provide sufficient natural light, ventilation and outlook. Privacy can easily be retained through the use of window blinds for example on windows which are on the Harrison Street elevation as can be seen elsewhere on the street. The sizes of the rooms are reasonable in size and range from 8.5m² at the smallest up to 16.1m². These exceed the minimum requirements set under the Housing Act.

4.28 Since the publication of the original committee report, updated plans have been received which show an alteration to the internal layout. These were provided as extra information to the last meeting. The changes include the introduction of a kitchen/communal area on the ground floor as opposed to the original scheme which showed this area on the first floor. They have retained a smaller kitchen area at first floor level. This now results in three available kitchen/communal areas in the property as opposed to the two on the previous design. Alteration to the size of bedrooms 10 and 11 is also shown which now have an increased floor area and shared bathroom. The revised layout is now considered acceptable and to provide an acceptable standard of accommodation. This is an area which is also controlled under the HMO licensing.

4.29 Soundproofing is shown between both walls and ceilings/floors which will be subject to Building Regulation approval. This should be sufficient to ensure there is minimal transfer of sound between communal living and sleeping areas.

e) *The proposal does not lead to inappropriate stacking of rooms;*

4.30 Whilst there are some living spaces above bedrooms in the layout, a clear program of soundproofing is provided as shown on the submitted plans.

f) *Adequate suitably screened space is provided for the storage of refuse, recycling bins and cycles;*

4.31 An internal storage area has been provided for both refuse storage and cycle storage. This will ensure that refuse storage is not kept in the back street. and can be conditioned accordingly.

g) *Outdoor amenity space is provided where possible;*

4.32 A roof terrace has been provided which provides a generous outdoor seating area to provide external amenity space.

h) *There is adequate access from the residential unit to both the front and rear of the building;*

4.33 Access is provided thorough the property to the front and side elevation which is considered acceptable.

i) *The proposal would not lead to an over-concentration of similar uses resulting in the loss of social and community cohesion; and*

4.34 When consulting the mapping which shows details of licenced HMO's, there does not appear to be a concentration of similar uses in the locality of the site. However, in the representations received, reference is made to two existing 4 bed HMO's in Harrison Street with the potential for an additional property being currently converted. Under current legislation, up to six persons can occupy an HMO before a change of use occurs from family residential use. The majority of the area beyond this still appears to remain in residential use. The proposal should not therefore lead to an over-concentration of similar uses.

j) *The site is within easy reach of public transport and community facilities.*

4.35 The site is 18m from the Primary Shopping Area as defined in the local plan. It is within a short walk to the Town Hall bus stops and many community facilities. The agent has provided a detailed supporting statement showing clearly that from the site the extent of a 5km cycle journey would provide access to the majority of the Borough.

4.36 The proposal accords with local plan policy H26. In addition to this policy, local plan policy DS2 seeks to protect the health, safety or amenity of occupants or users of proposed development. This is in line with National Planning Policy Paragraph 130 which states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. In this instance, the site is currently vacant and in need of repair. The proposed use will bring back into use the property and retain the existing external features.

4.37 NPPF paragraph 130 and local plan policy DS5 place importance on good design and this requires that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment. The proposed external design in matching materials is considered acceptable. The proposal is therefore considered to accord with national planning policy in this regard.

4.38 National Planning Policy encourages development to be positioned in sustainable locations for transport. In this instance, the site is set close to the town centre and transport links which deems it to be a sustainable location.

4.39 Local Plan Policy I6 requires that in areas suffering from significant on street parking problems, greater provision will be sought where possible, or alternative arrangements will be required. In consultation with Cumbria Highways, no objection has been received. They state that this development will not have a material effect on existing highway conditions given that the site will not be entitled to residents parking for this area.

Representations

4.40 Several respondents submitted the same concerns in relation to the development. They raised the issue of other HMOs within the street, however, they would only require planning approval if the number of occupants were above 6. We therefore have no control over these conversions under planning legislation. Concerns were also raised over parking. Whilst no objection has been received from Cumbria Highways, your officers will make them aware of residents' concerns over parking permits as these are outside the control of the planning system. A representation was also received concerning the external appearance of the property as the original scheme had proposed the loss of the external brickwork detailing. This has been addressed through the submission of revised drawings which now show the external appearance of the site being retained.

Child Safety

4.41 Concern was raised by the several respondents over the impact on safety of young children from the development. No particular background to these concerns or evidence of past incidents to suggest in what way the site would be likely to cause an impact on safety is given. The relevant section of the letter states:

"Parking issues aside, there is a real concern over the safety of our young children. There are currently 12 young children of junior school ages living in the close area of the proposed building. Our families on Harrison Street are concerned over the large numbers of different occupants coming and going regularly".

4.42 When considering this matter, it is relevant to note the established use of the site and that of the site locality. As mentioned previously, the host property could open under the established use and operate in a range of ways which would introduce comings and goings, as is the case with many other properties in the town centre, from a wide variety of users. Likewise, the residential properties surrounding the site could also attract a wide range of occupiers. Planning has no control over the occupiers of buildings.

4.43 Planning considerations are limited to matters which are considered material to planning. There appears to be no evidence that the proposed use poses a greater risk to children than a C3 house or any potential future use under those currently permitted by the established use of the building or the nearby property uses. Whilst residents may have fears over the future site occupiers, this is not a material consideration for planning, as there is no evidence base of previously recorded instances. Separate legislation exists to ensure that the site is operated correctly in future in terms of amenity standards and any anti-social behaviour would be dealt with under the criminal justice system, if necessary.

4.44 Increased footfall, impact on privacy and noise levels on the street were also raised in the representations. These matters have been discussed earlier in the report.

Wider Benefits

4.45 The proposed development offers a number of benefits. It will secure a use for a currently vacant building which is in need of maintenance and provide 14 homes in a sustainable location close to nearby amenities. The conversion of the property will provide employment during the conversion works and also some employment from its ongoing management.

Accessibility

4.46 Policy HC4 requires development proposals to make provision for easy, safe and inclusive access to, into and within buildings and for the layout and design of developments to meet the requirements of accessibility and inclusion for all potential users. The submitted layout shows a first and second floor kitchen and amenity space and the applicants have been asked to consider revising the layout to provide ground floor facilities.

5. Conclusion

5.1 The proposed development in principle accords with both local and national planning policy and is considered to be sustainable development set in a sustainable location for transport links. The proposed internal layout has scope to provide a good standard of accommodation for future occupiers and should have minimal impact on the site locality. Whilst the proposed use of the site has potential to increase comings and goings in the area, this should have minimal impact when compared to the established use of the site and its potential permitted alternatives.

6. Conclusions

6.1 The proposed use, whilst different in character to the existing use, is residential within a predominantly residential area that sits next to the retail and commercial centre. There are pre-existing concerns within the area in terms of parking should not be made worse by the granting of this application. The County Council have advised that permits will not be granted to the occupiers of the property. Any potential impacts on amenity can be mitigated through soundproofing and internal bin storage. The revised plans submitted are considered sufficient to ensure a suitable standard of amenity for both future occupiers and adjacent properties. The proposed use will ensure the retention and maintenance of the building to a good standard whilst providing a residential use in a residential area which does not currently have an over concentration of licensed HMO uses.

7.Recommendation

I recommend 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 6.10.22 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

22031-300-A

22031-301

22031-304-C

22031-305-B

22031-306-A

22031-307-A

22031-308-A

22031-309-A

22031-310-A

Design and Access Statement - September 2022

Transport Statement - September 2022

Application Form dated 6.10.22

Planning Statement - September 2022

Letter dated 26.11.22

C G Homes Limited - Who are we and what do we do - an overview

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 property, the soundproofing as detailed on plans 22031-307-A, 308-A, 310-A shall be installed and permanently retained. There shall be no variation to this without the prior written express consent of the Planning Authority.

Reason

In order to protect the residential amenities of the area.

Operational Condition

The refuse bins for the use hereby approved shall be stored within the rear of the premises as shown on plan 22031-304-C.

Reason

In order to protect the residential amenities of the area.

Informative

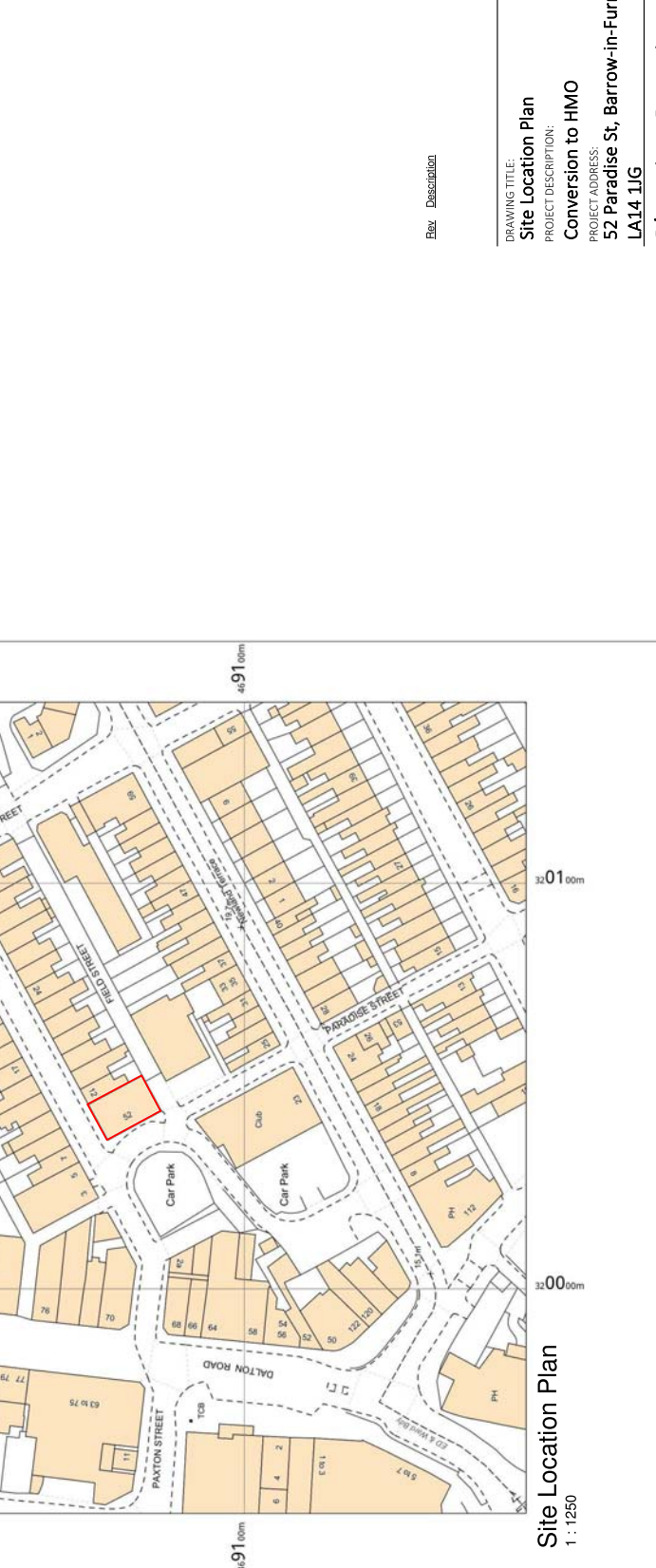
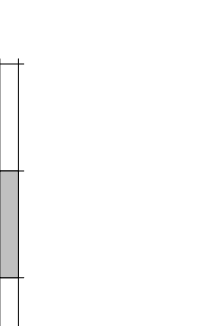
- Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out.
- Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
- This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.
- The proposed development is situated within the Detailed Emergency Planning Area of the BAE site. Cumbria County Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site. The applicant is advised to liaise with the County Council Emergency Planning office to allow for further discussion of available information: Senior Emergency Planning Officer, Resilience Unit, Cumbria County Council, Cumbria Fire & Rescue HQ, Carleton Ave, Penrith , Cumbria , CA10 2FA

- In accordance with current Cumbria County Council policy, the occupiers of these flats/apartments/houses would not be entitled to residents parking permits for this area.

However, should Members resolve that the application should be REFUSED then:

The following reason for refusal be given on the Members behalf:

1. The proposal would be contrary to Local Plan Policy H26 of the Barrow Borough Local Plan 2016-2031 in that it would lead to an over concentration of similar uses with resultant adverse impact on the residential character, amenity and parking in the local area".
-



OS MasterMap 1250/2500/10000 scale
Wednesday, September 28, 2022, ID: BW1-01063466
maps.blackwell.co.uk
1:1250 scale print at A4, Centre: 320045 E, 469130 N
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BLACKWELL'S
MAPPING SERVICES
PERSONAL AND BUSINESS ADDRESS:
www.blackwellmapping.co.uk
TEL: 0800 151 2612
maps@blackwell.co.uk

DRAWING TITLE:
Site Location Plan
PROJECT DESCRIPTION:
Conversion to HMO
PROJECT ADDRESS:
52 Paradise St, Barrow-in-Furness,
LA14 1JG

Planning Drawing


PRG
ARCHITECTURAL
Units 5, Millbeck Office Village 1, Millbeck Court 1, Leeds LS14 6EG
0113 467 6001 www.prg-arch.co.uk email: info@prg-arch.co.uk
DWR No: 22031-300-A
Rev: Sept 2022
SCALE: As indicated @A3

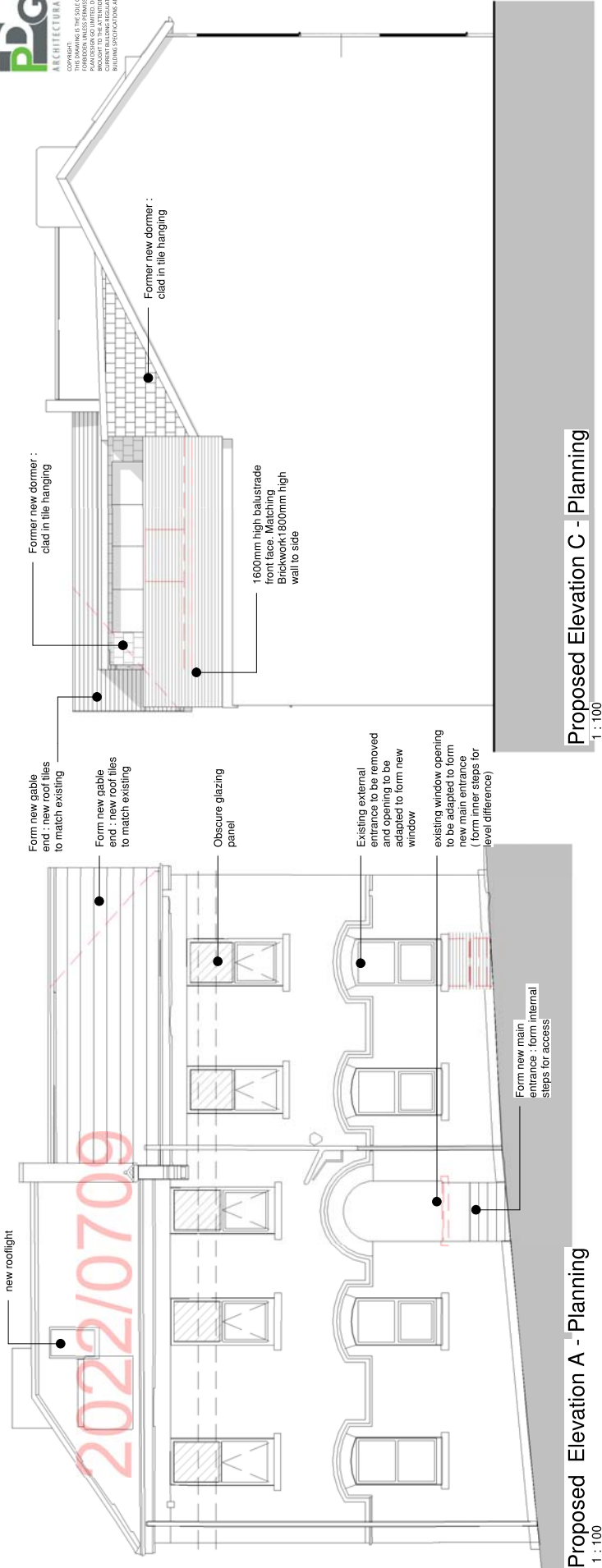
2022/0709

IN 2022/0709

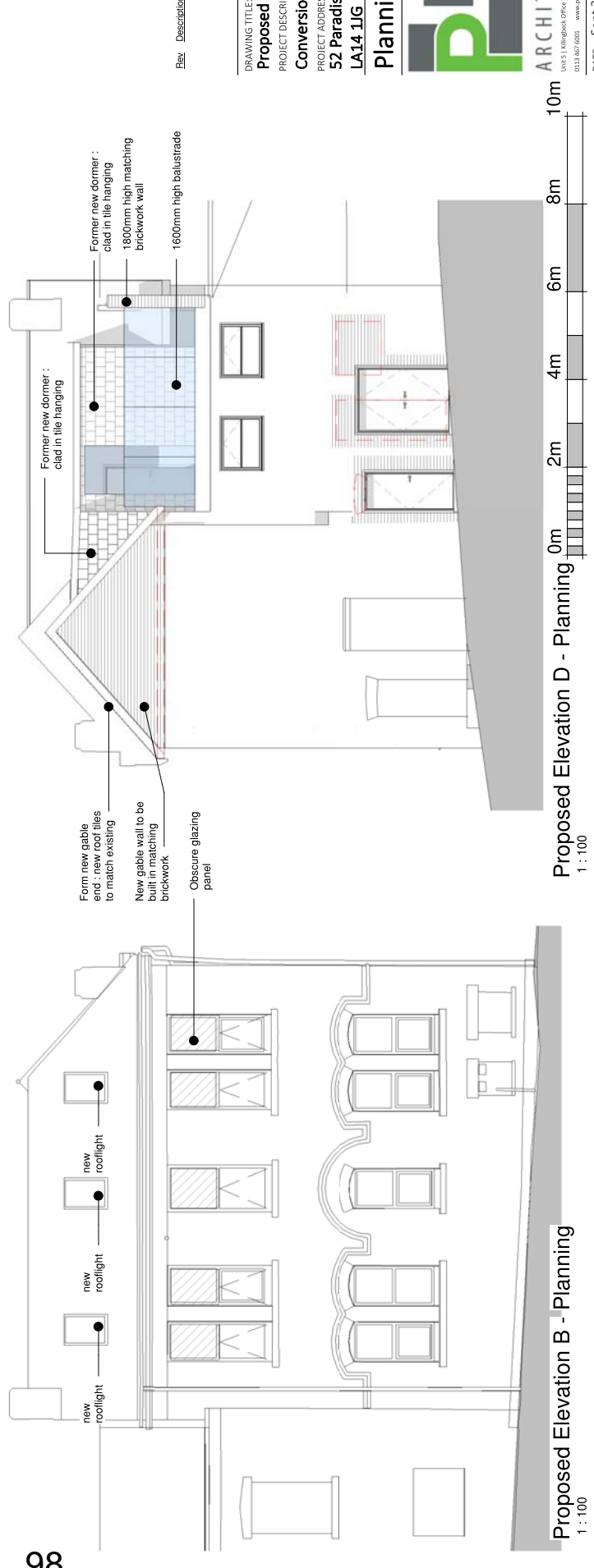


Proposed Site Layout
1 : 200

| Rev. | Description | Date |
|--|------------------|------------------|
| DRAWING TITLE: Proposed Site Layout | | |
| PROJECT DESCRIPTION: Conversion to HMO | | |
| PROJECT ADDRESS: 52 Paradise St, Barrow-in-Furness, LA14 1JG | | |
| Planning Drawing | | |
|  | | |
| <small>Units 5 Millingford Office Village 1 Millingford Court Leeds LS14 6PD 0113 467 6001 www.pdg-arch.co.uk email: info@pdg-arch.co.uk</small> | | |
| DATE: | Sept 2022 | DWR No: |
| SCALE: | As indicated @A3 | Rev: |
| | | 22031-301 |



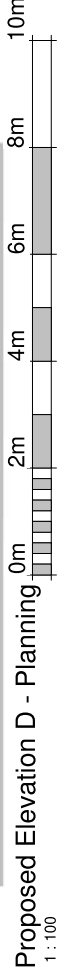
Proposed Elevation A - Planning
1 : 100



Proposed Elevation B - Planning
1 : 100

Proposed Elevation C - Planning
1 : 100

Proposed Elevation D - Planning
1 : 100



SCALE 1:100

| Rev | Description | Date |
|-----|-------------|------|
| | | |

DRAWING TITLE:
Proposed Elevations

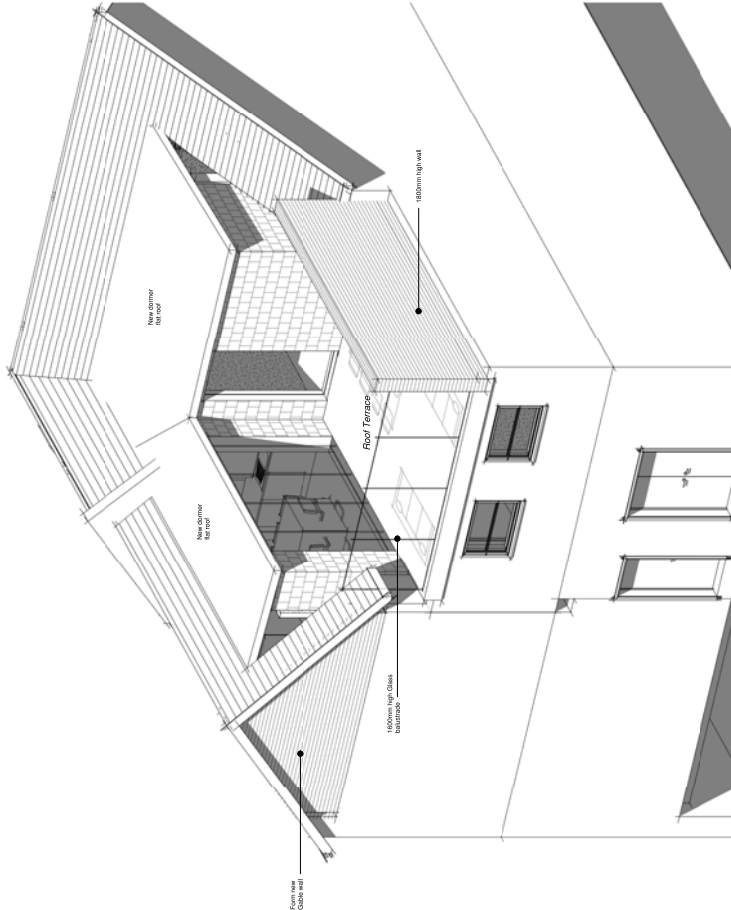
PROJECT DESCRIPTION:
Conversion to HMO

PROJECT ADDRESS:
**52 Paradise St, Barrow-in-Furness,
LA14 1JG**

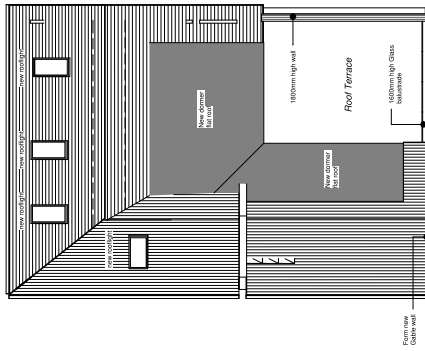
Planning Drawing



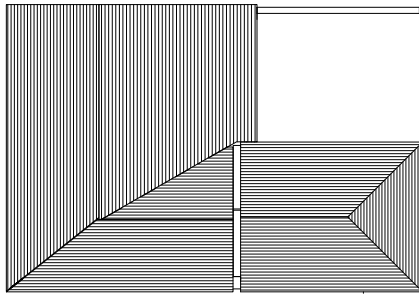
DATE: Sept 2022
SCALE: 1 : 100 @A3
Dwg No: 22031-305-B
Rev:



3D View Rear Dormers - Planning



00_Proposed Roof Plan - Planning
1:100



00_Existing Roof Plan - Planning
1:100

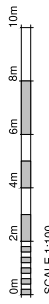
DATE: 12/08/2022

PROJECT: Existing and Proposed Roof Plan

CONVERSION TO HMO

52 Paradise St, Barrow-in-Furness, LA14 1JG

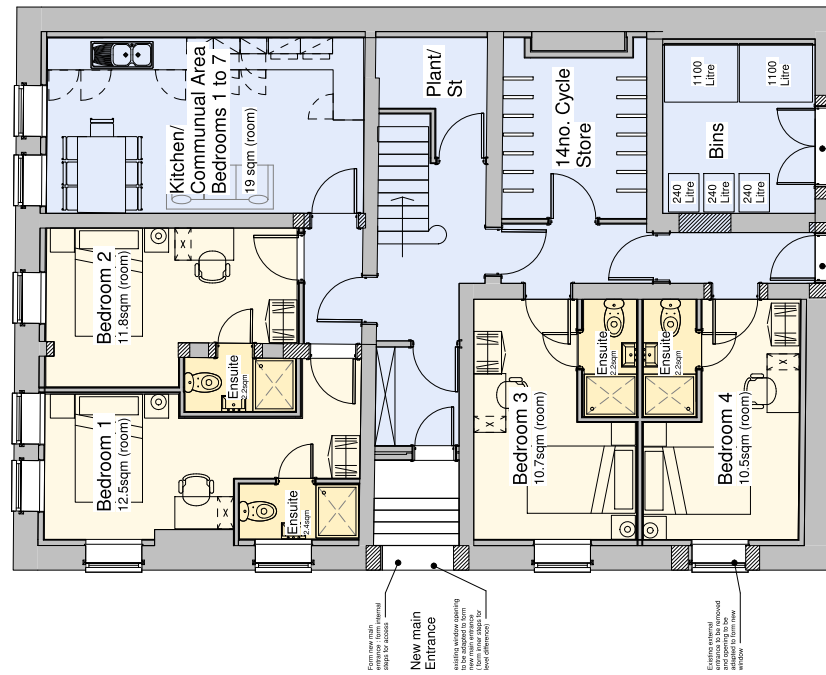
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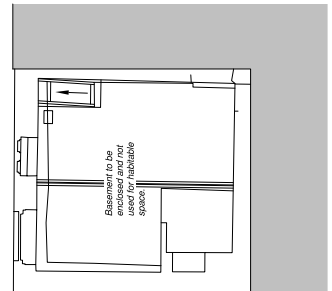
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DATE: Sept 2022
Dwg No: 22031-306-A
Rev: 1

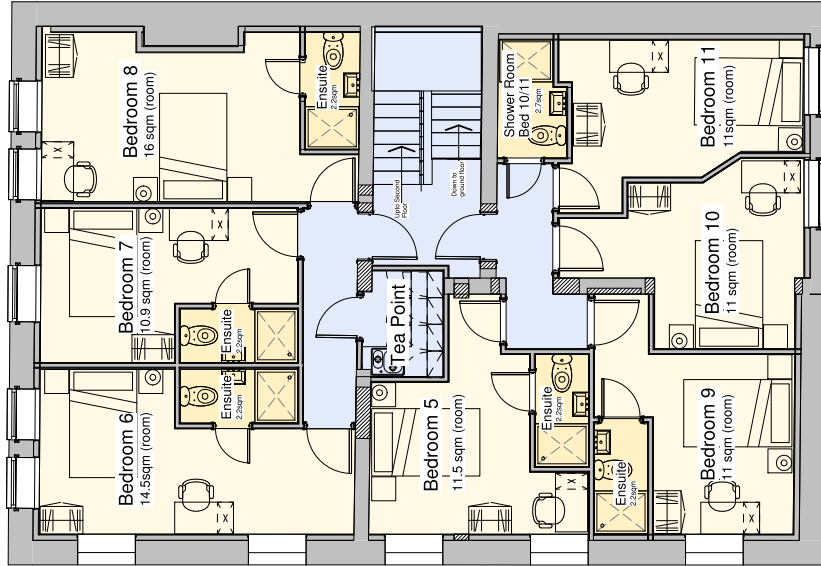
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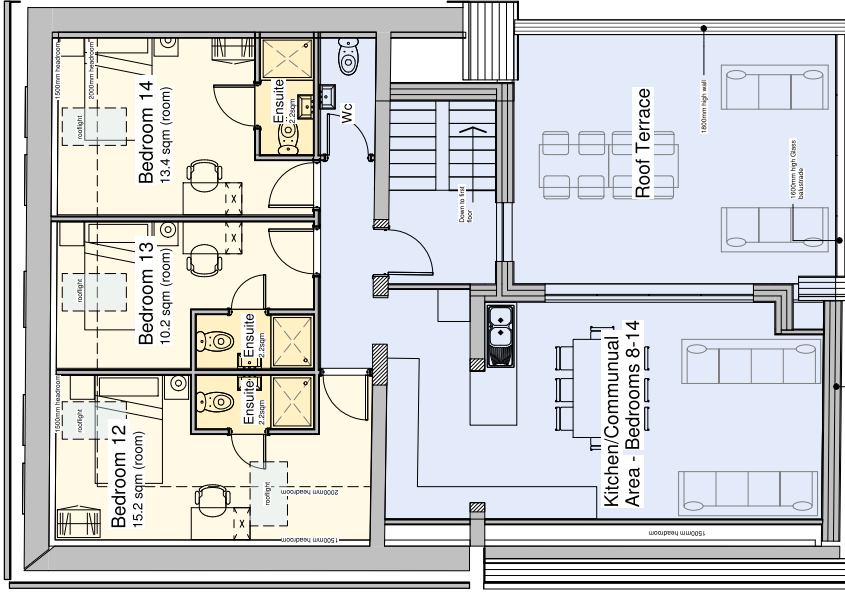
00_Proposed Basement - Planning
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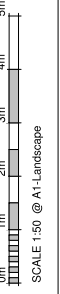
00_Proposed Basement - Planning
1:50



01_Proposed First Floor - Planning
1:50



02_Proposed second Floor - Planning
1:50



NOTE:
ALL BEDROOM AREAS SHOWN ARE EXCLUSIVE OF ENSUITES. ALL ROOMS/LAYOUTS TO COMPLY WITH HMO REGULATIONS

Proposed Floor Plans
Conversion to HMO
52 Paradise St, Barrow-in-Furness, LA14 1JG
Planning Drawing



Appendices of Policies

Note to Members

Below are the full wordings of the policies relevant to the applications found on the agenda today.

National Planning Policy Framework 2021

NPPF 011

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

NPPF 047

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

NPPF 130

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

NPPF 203

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Barrow Borough Local Plan 2016-2031

Policy DS1 - Council's commitment to sustainable development

When determining planning applications the Council will take a positive approach to ensure development is sustainable. The Council will work pro-actively with applicants to find positive solutions that allow suitable proposals for sustainable developments to be approved wherever possible.

The Council is committed to seeking to enhance the quality of life for residents by taking an integrated approach to protect, conserve and enhance the built, natural and historic environment whilst ensuring access to essential services and facilities and a wider choice of housing. This will enable the Local Plan's Vision and Objectives to be met and to secure development that simultaneously achieves economic, social and environmental gains for the Borough.

Planning applications that accord with the Development Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (or any document which replaces it) taken as a whole; or
- b) Specific policies in the Framework (or any document which replaces it) indicate that development should be restricted.

Policy DS2 - Sustainable Development Criteria

In order to meet the objectives outlined in Policy DS1, subject to other Development Plan policies which may determine the suitability of particular sites, all proposals should meet all of the following criteria, where possible, taking into account the scale of development and magnitude of impact and any associated mitigation by:

- a) Ensuring that proposed development incorporates green infrastructure designed and integrated to enable accessibility by walking, cycling and public transport for main travel purposes, particularly from areas of employment and retail, leisure and education facilities;
- b) Ensuring development does not prejudice road safety or increase congestion at junctions that are identified by the Local Highway Authority as being over-capacity;
- c) Ensuring access to necessary services, facilities and infrastructure and ensuring that proposed development takes into account the capacity of existing or planned utilities infrastructure;
- d) Ensuring that the health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development including from associated traffic are within acceptable levels;

- e) Respecting the residential amenity of existing and committed dwellings, particularly privacy, security and natural light;
- f) Protecting the health, safety or amenity of occupants or users of the proposed development;
- g) Contributing to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets;
- h) Contributing to the enhancement of biodiversity and geodiversity;
- i) Ensuring that construction and demolition materials are re-used on the site if possible;
- j) Avoiding adverse impact on mineral extraction and agricultural production;
- k) Ensuring that proposals incorporate energy and water efficiency measures (in accordance with the relevant Building Regulations), the use of sustainable drainage systems where appropriate and steers development away from areas of flood risk;
- l) Ensuring that any proposed development conserves and enhances the historic environment including heritage assets and their settings; and
- m) Development must comply with Policy DS3.

Where the applicant demonstrates that one or more of the criteria cannot be met, they must highlight how the development will contribute towards the achievement of the Local Plan objectives by alternative means.

Policy DS5 - Design

New development must be of a high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the site and planning applications must demonstrate a clear process that analyses and responds to the characteristics of the site and its context, including surrounding uses, taking into account the Council's Green Infrastructure Strategy. Proposals must demonstrate clearly how they:

- a) Integrate with and where possible conserve and enhance the character of the adjoining natural environment, taking into account relevant Supplementary Planning Documents;

- b) Conserve and enhance the historic environment, including heritage assets and their setting;
- c) Make the most effective and efficient use of the site and any existing buildings upon it;
- d) Create clearly distinguishable, well defined and designed public and private spaces that are attractive, accessible, coherent and safe and provide a stimulating environment;
- e) Allow permeability and ease of movement within the site and with surrounding areas, placing the needs of pedestrians, cyclists and public transport above those of the motorist, depending on the nature and function of the uses proposed;
- f) Create a place that is easy to find your way around with routes defined by a well-structured building layout;
- g) Prioritise building and landscape form over parking and roads, so that vehicular requirements do not dominate the sites appearance and character;
- h) Exhibit design quality using design cues and materials appropriate to the area, locally sourced wherever possible;
- i) Respect the distinctive character of the local landscape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, habitats and skylines. Where no discernible or positive character exists, creating a meaningful hierarchy of space that combines to create a sense of place;
- j) Create layouts that are inclusive and promote health, well-being, community cohesion and public safety;
- k) Incorporate public art where this is appropriate to the project and where it can contribute to design objectives;
- l) Ensure that development is both accessible and usable by different age groups and people with disabilities;
- m) Integrate Sustainable Drainage Systems of an appropriate form and scale;
- n) Mitigate against the impacts of climate change by the incorporation of energy and water efficiency measures (in accordance with the Building Regulations), the orientation

of new buildings, and use of recyclable materials in construction; and

o) Ensuring that new development avoids creating nesting sites for gulls e.g. through the provision of appropriate roof pitches.

Policy H26 - Large Houses in Multiple Occupation (HMOs) and the Subdivision of Dwellings

Proposals for the subdivision of dwellings and those which involve the creation of large houses in multiple occupation (over 6 occupiers) will be acceptable providing that:

- a) Such proposals do not lead to the unacceptable loss of good quality family housing, taking into account housing needs identified in the current Strategic Housing Market Assessment;
- b) There will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance;
- c) The proposal would not adversely affect the character of the building or the surrounding area, for example through an unacceptable increase in on-street parking;
- d) The proposed internal design ensures that units will have access to sufficient natural light, ventilation, privacy, outlook and indoor amenity space;
- e) The proposal does not lead to inappropriate stacking of rooms;
- f) Adequate suitably screened space is provided for the storage of refuse, recycling bins and cycles;
- g) Outdoor amenity space is provided where possible;
- h) There is adequate access from the residential unit to both the front and rear of the building;
- i) The proposal would not lead to an over-concentration of similar uses resulting in the loss of social and community cohesion; and
- j) The site is within easy reach of public transport and community facilities.

The design principles set out in the Development Strategy chapter should be followed where appropriate.

Policy HC4 - Access to buildings and open spaces

1) Development proposals should make provision for easy, safe and inclusive access to, into, within and out of buildings, spaces and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. At the design stage consideration should be given to the effects of the proposal on the character and appearance of heritage assets and their settings, where applicable.

The Council will have regard to the following criteria when assessing development proposals:

- a) The design of entrances and exits and ease of movement through and between buildings, street furniture, open spaces and pedestrian routes;
- b) The location of any development proposal in relation to its potential users;
- c) Accessibility to all transport modes, including walking and cycling, and provision of adequate parking with the appropriate number of parking bays designated for cycles and motor vehicles, including specified disabled bays;
- d) Provision of on-site facilities such as public toilets and appropriate signage.

2) Additionally, where there is a requirement to submit a Design and Access Statement as part of a planning application it should:

- a) Demonstrate the approach to inclusive design; and
- b) Acknowledge compliance with Part M of the Building Regulations (Access to and use of buildings) and refer to BS8300:2009 (British Standards - Design of buildings and their approaches to meet the needs of disabled people - Code of practice) where appropriate.

Policy I6 - Parking

Proposals for new developments will be required to provide evidence to demonstrate that adequate parking provision has been provided in consultation with the Local Highways Authority and in accordance with the parking standards in the "Parking Guidelines in Cumbria" SPG or any update to it.

In areas suffering from significant on-street parking problems, greater provision will be sought where possible, or alternative arrangements will be required. When applying parking standards each site should be assessed on its own merits and, if a developer can demonstrate to the satisfaction of the authority that their proposed parking provision is sufficient, the 'Parking Guidelines in Cumbria' can be relaxed in favour of the demonstrated proposal

The design of on and off site parking provision will be safely accessible and appropriate to the streetscene and character of the local area. Consideration should be given to Policy C3 (water management) and Policy DS6 (landscaping).

Policy R18 - Residential Protection Areas

Conversion from residential to retail or commercial uses will only be permitted in Residential Protection Areas where there is no perceived threat to amenity in terms of opening hours, deliveries, traffic, waste and noise. Elsewhere, within predominantly residential areas, only shops and services not adversely affecting residential amenities will be permitted.