

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:

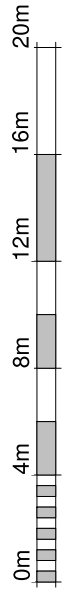
The following reason for refusal be given on the Members behalf:

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".
-

IN 2022/0709



Proposed Site Layout
 1 : 200



SCALE 1:200

Rev.	Description	Date

DRAWING TITLE:
Proposed Site Layout

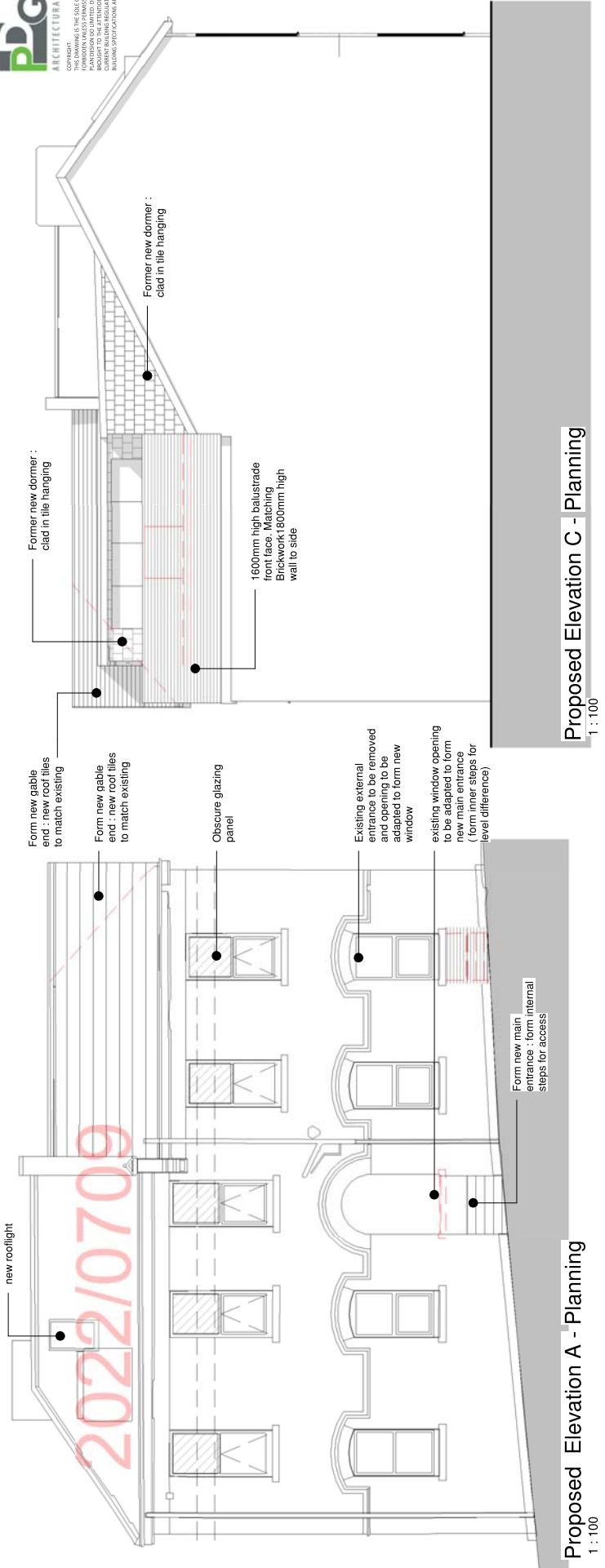
PROJECT DESCRIPTION:
Conversion to HMO

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

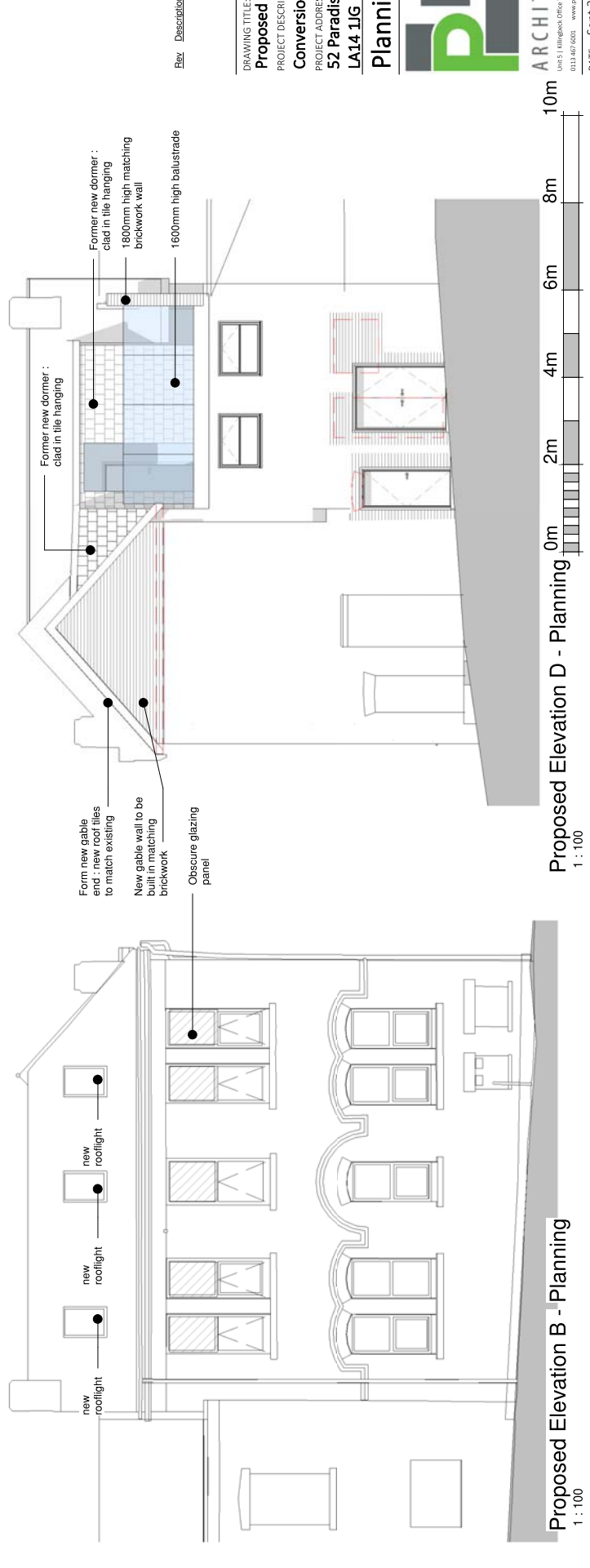
Planning Drawing

Units 5 Millingford Office Village | Millingford Court | Leeds | LS14 6PD
 0113 467 6001 | www.pdg-arch.co.uk | email: info@pdg-arch.co.uk

DATE: Sept 2022
 DWR No: 22031-301
 Rev: SCALE: As indicated @A3

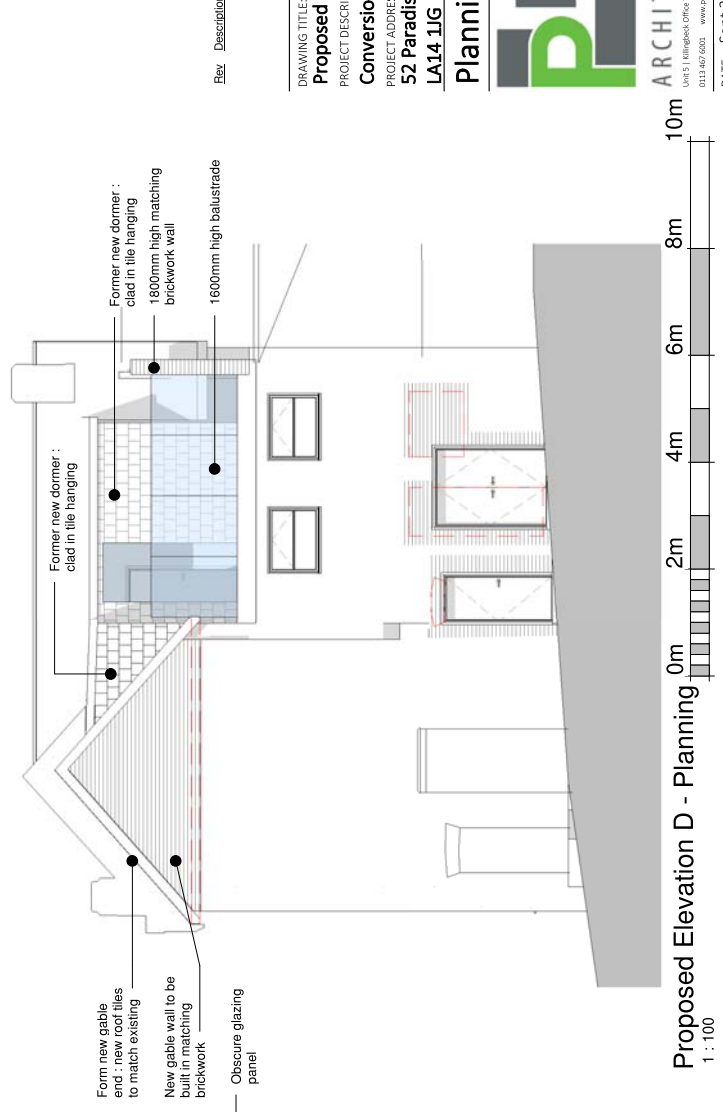


Proposed Elevation A - Planning
1 : 100



Proposed Elevation B - Planning
1 : 100

Proposed Elevation C - Planning
1 : 100



Proposed Elevation D - Planning
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



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.