

# PLANNING COMMITTEE

## 12<sup>th</sup> August 2008

<b>PLAN NUMBER:</b>	<b>APPLICANT:</b>	<b>AGENT:</b>
2008/0429	Steve Cooper	Dryden Goldsmith Architects
<b>WARD/PARISH:</b>	<b>CASE OFFICER:</b>	<b>DATE RECEIVED:</b>
Hindpool	Jason Hipkiss 01229 876485	03/04/2008
		<b>STATUTORY DATE:</b>
		02/07/2008
<b>LOCATION:</b>		
61 Crellin Street, Barrow-in-Furness		
<b>PROPOSAL:</b>		
Demolition of existing commercial buildings and creation of two three storey residential blocks to create 17 flats and associated infrastructure		
<b>SAVED POLICIES OF THE FORMER LOCAL PLAN:</b>		

### POLICY B3

Applications for residential development on unallocated sites will be permitted where they accord with the sequential approach of the Structure Plan and also satisfy the following criteria:

- i) The site is located within the built up area of existing settlements or the development cordons identified in Policy B13; and
- ii) The siting, scale, layout and design (in the materials and form of the buildings) of the development is sensitive to the local environment, it promotes the principles of 'Secure by Design' and adequate parking provision is made; and
- iii) Adequate access arrangements can be provided, including servicing the site by the public transport and by cycle routes; and
- iv) The development is laid out in a way that maximises energy efficiency; and
- v) The development will not result in the loss of land which has a recognised or established nature conservation interest; and
- vi) The development must not cause an undue increase in traffic passing through existing residential areas such as to be detrimental to residential amenity or highway safety; and
- vii) Adequate water supplies, foul and surface water sewers and sewerage treatment facilities exist or can be provided; and

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- viii) 'A risk-based approach will be adopted for development in or affecting flood risk areas to minimise the risk of flooding associated with the site and the potential effect development of the site might have elsewhere through increased run off or a reduction in the capacity of flood plains. This shall be in accordance with the sequential characterisation of flood risk set out in Table 1 of Planning Policy Guidance Note 25 'Development and Flood Risk; and
- ix) Where contamination is suspected, a desk study is undertaken and if necessary a site investigation is undertaken and remediation strategy submitted.

### POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

### POLICY E9

All development should provide for its car parking requirements. However, within the Barrow town centre block (indicated in Proposals map 4 and where A13, B7, C5, C6 & C7 apply) private parking provision will not be required on-site for residential or commercial development. Parking within that area will only be available on-street or within publicly provided off-street areas. This may require the payment of commuted sums towards the cost of publicly provided parking in lieu of on-site parking provision. Development proposals in the Barrow town centre block will further be considered having regard to the level of public transport provision in the area and any improvements to that provision proposed by developers.

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### **SUMMARY OF MAIN ISSUES:**

The proposal is for the demolition of vacant commercial premises and redevelopment for flats in a town centre location. The proposal meets with broad sustainability objectives, whilst issues relate to the impact on adjacent properties and upon the local highway network.

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### NON MATERIAL CONSIDERATIONS:

### REPRESENTATIONS:

The Occupiers of 1-3, 4, 5 Silverdale Street, 237a, 215 (flat 1, 2, 3), 253, 231-233, 237, 239, 213, 215, 217-219, 209-213, 247, 241, 223-229, 249, 221, The flat 249, 239a, The flat 245, flat 241, 251, 235, 243, 245, 203, 205, 207 Rawlinson Street, 84 Thwaite Street, 1, 3, 5 Arnside Street, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 Stileman, 1-18 McClean Close, 61, 67, 69, 71, 72, 73, 75, 77, 80, Crellin Street, 149, 149a,b, 151, 151a, 152, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, Abattoir Cottage, Barrow in Furness all informed.

### CONSULTATIONS:

#### United Utilities

"I must object to the proposal.

A water main crosses the North East of the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. We will require an access strip, of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the water main.

Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them. If a diversion is required the applicant must discuss this at an early stage with our Regional Mains Diversions Team 01925 773444.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

It is recommended that the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply to all upper floors.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

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United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 75 10101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development”.

### United Utilities – dated 24.6.08

“Further to United Utilities letter dated 22 April 2008 it has been brought to my attention that a public sewer runs along the passageway at the front of the proposed buildings just off Crellin Street. United Utilities would not raise any objections to the proposal due to the presence of the public sewer providing the proposed building remains within the same footprint as the previous building and the footings/foundations serving the new build are at a sufficient depth as not to impose any loading on the sewer.

At this moment in time United Utilities still objects to the application due the water main crossing the North East of the site as stated in my letter dated 22 April 2008”.

### Cumbria Highways

“Cumbria Highways is concerned about increase in use of the Crellin Street access which has restricted visibility what measures are to be put in place to prevent this increase in use taking place which warrants refusal of this application:

#### Existing Access Visibility

The increased use of the access onto the public highway, resulting from the proposed development would, by reason of the limited visibility form and of vehicles using the access, be likely to result in additional danger to all users of the road”.

### Environment Agency

“The Environment Agency has considered the proposal and wishes to comment as follows:

The Contamination Study Report No. 2072.01 prepared by Bleasdale Wand Limited indicates that there is some potential concern regarding contamination and the effects it may have on the environment.

We agree with the recommendations for intrusive investigation, however, the site investigation should be directly specifically for the purposes of risk assessment in accordance with CLR11 (Contaminated Land Report 11 – Model Procedures for the Management of Land Contamination) and not part of an engineering investigation. A justification for the sampling methodology should be submitted and agreed with the local planning authority.

As the site was a former brewery, there may be records of well construction, location and decommissioning. This information should be sought as it may alter the risk perception to the major aquifer from land affected by contamination.

The following observation borehole exists within close proximity to the development,

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although appears to be outside of the development footprint:

Name of site: Bass Charrington  
WRB No: SD 26/19  
Approx NGR: SD 20191 69440

The Applicant is advised to contact Simon Gebbett at the Environment Agency on Tel. No. 01925 543398 to discuss future access arrangements for this borehole.

Some further investigation is recommended and we would therefore request the inclusion of the following condition on any planning permission:

### CONDITION

Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed with the Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.

### REASON:

To prevent pollution of the water environment.”

### Environmental Health

“I find the Desk Study to be generally satisfactory but I must point out (with regard to paragraph 1.3.3 of the report) that Contaminated Land legislation is a product of Part IIA of the Environmental Protection Act (EPA) 1990 as inserted by section 57 of the Environment Act 1995 and it came in to force 1<sup>st</sup> April 2000. Hence any report which may or may not have been done by the Council during the development of land adjacent to the site in question during the 1980's would not have been completed to standards that are required today. In addition if applicants wish to refer to relevant information documents, such as previously completed reports, reviews of such documents should be included in the Desk Study”.

## **OFFICERS REPORT:**

### Site

This application relates to a terrace of vacant industrial and storage units. Previously used by an engineering firm the last occupiers were CAF, a community project that refurbished cycles and furniture as well as operating their administrative base from the site. The buildings are a mix of single and two storeys, formerly used as offices, workshops and storage. These occupy a narrow plot, on a north to south orientation, between a mixed commercial terrace on Rawlinson Street and a low rise development of sheltered accommodation on McLean Close. The site has vehicle access from both Crellin Street, and from the service road to McLean Close accessed from Cavendish Street.

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The area, which is on the periphery of the town centre, is laid out in a traditional grid iron pattern. It has a mixed character with terraced housing and a scattering of older establish commercial uses such as retail, industrial (car related), office and public houses. The block situated between Crellin Street and Cavendish Street was redeveloped some twenty five years ago from industrial use to residential use as social housing.

### Proposal

The application is to redevelop the site to provide two separate three storey buildings creating a total of seventeen two bedded flats. Prior to this submission, the agent held discussions, with adjacent residents and with the councils housing manager, in order to minimise potential conflicts and the submitted layout reflects the comments received. The smaller building (five units) has a rectangular footprint and faces Crellin Street, whilst the larger building stands to the north and forms an irregular footprint. The external design is fairly simple, and reflects some of the elements found in the adjacent flats. Materials are indicated as a traditional red brick, a grey concrete roof tile, and upvc windows in dark brown.

Privacy between the buildings and with the adjacent properties respects the local character, and is dealt with through orientation and angle between habitable windows. New palisade fencing and the retention of an existing wall will screen the ground floor of the flats from the ground floor of properties in McLean Close. Five parking spaces are shown, two of which are for disabled drivers and can be accessed from the back street which is wide enough to allow vehicle use. The remaining three spaces can be accessed from the service road to McLean Close.

### Policy

Members should be aware of the commitment to sustainable development at all policy levels, from government guidance through to the development plan. PPS1 and PPS3 both emphasise the role of sustainable development to deliver high quality development standards without compromising the environment. Prominence is given to urban regeneration and the re-use of existing buildings and previously used land, which are considered to be important elements in achieving these objectives. PPS1 also gives priority to good design that integrates with the surrounding built form, with clear guidance that obvious poor design should be rejected.

PPG13 (Transport) indicates the government's policy to integrate planning and transport as part of the overall sustainability agenda, by promoting greater emphasis on alternative modes of transport to the private car such as walking, cycling and public transport. There are strong links with PPS3 in that planning authorities, when considering residential schemes, are advised to give priority to those locations that enjoy high levels of accessibility to facilities such as shops and schools, whereby residents can use alternatives to the private car to make their journeys.

The theme of sustainable development is repeated through the development plan framework, starting with the regional planning guidance, now renamed as the Regional Spatial Strategy document (RSS), and its proposed successor the North West Plan. One of the core principles identifies the need to maximise the use of land by concentrating on brownfield sites within urban areas. The Cumbria Joint Structure Plan 2001-2016, also gives greater weight to sustainable development with reference, in policy ST3, to

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maximising the use of urban brownfield sites (Barrow has a target of 85%), that enjoy high accessibility, and are not unduly constrained.

In the Housing Chapter Alteration of the Borough local plan, the site is not allocated specifically for residential use, and this principally means that it should be treated as a windfall site. All windfall sites are assessed against the various criteria found within Saved policy B3. The relevant criteria are that the application requires an urban location, offers adequate access and services provision, is of an energy efficient layout, and the siting, scale, layout and design (in the materials and form of the buildings) of the development is sensitive to the local environment.

Saved policy D21 gives guidance on design aspects of the proposal, whilst Saved policy E9 identifies that town centre developments do not have to provide on site car parking as they are sufficiently close to public car parks, contract spaces and also on street parking bays.

As this application seeks to use a vacant brownfield site on the periphery of the town centre, where shops and services are within walking distance for occupiers of the flats, I am satisfied that it meets with the national and local criteria on sustainable development. The design and layout reflect more recent residential schemes on the neighbouring plots, with the limited number of parking spaces being appropriate for a central location. The Authority has endorsed similar approaches elsewhere within the town centre, and accordingly I have no objection to this aspect.

### Issues

Three responses from consultees require consideration. The Environment Agency queries the methodology used for the site investigation and has suggested an appropriate condition which I have attached below. United Utilities have identified that there is a water main within the site, and the agent has had discussion with UU to verify that the main can be re routed. This can be resolved between the parties concerned, and does not require a condition.

The final matter relates to the comments received from the Highways officer. He is concerned about a perceived increase in the use of the Crellin Street access, but whilst my officer has queried this stance (in June) no further response has been received to date. At present, the back street is accessible to traffic and links Crellin Street with Cavendish Street. In addition the existing industrial works has a double gate entrance directly off Crellin Street, and it is likely that there would have been regular movements of commercial traffic, such as vans and small lorries, through these gates as part of the previous uses. The back street remains outside the application site, and the proposed layout for the flats indicates two vehicle spaces would be accessed from it. There is no vehicle access from the site directly onto Crellin Street. Consequently, I attach no weight to the highways comment, as the highways officer has been unable to justify any factual evidence for his claim. In my opinion, the level of traffic from the site onto Crellin Street will be insignificant, and certainly nowhere near the level potentially generated by the previous occupiers.

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### Conclusion

The site is located in an area where there are long established industrial uses located close to a large number of residential properties, with subsequent potential for disturbance to occupiers. This application is to redevelop a series of vacant and obsolete commercial premises to create a complex of flats within a location, and at a density, that meets with current policy guidance encouraging sustainable development. Suitable conditions can be attached to overcome any issues raised by consultees, with the exception of the highway comments which I consider to have no factual basis and thus attach no weight in my recommendation to you.

### **RECOMMENDATION:**

I recommend that Planning Permission be GRANTED, subject to the Standard Duration Limit, and the following conditions.

#### Condition No. 2

Prior to the commencement of any development, the developer shall subject the site to a Phase II intrusive site investigation, the written methodology of which must be submitted to and approved in writing by the Planning Authority, in advance of the commencement of the investigation. The investigation shall be carried out in accordance with the agreed details. If Phase III remediation measures are necessary, then they shall be fully implemented in accordance with prior agreed details and to the written satisfaction of the Planning Authority, before the commencement of any development on the site. If, during remediation works any contamination is identified that has not been considered in the original submission, then additional remediation proposals for this material shall be submitted to the Planning Authority for written approval prior to those measures being implemented. Any further approved proposals shall thereafter form part of the remediation report.

A remediation validation report and risk assessment strategy supported by all appropriate certification that the proposed works have been completed, shall be submitted to and agreed in writing by the Planning Authority, prior to the beneficial occupation of any part of the development.

#### Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

#### Condition No. 3

On site facilities, in the form of a screened enclosure, for the storage of wheeled refuse storage bins of suitable capacity to serve the development must be provided before the beneficial use of the premises begins; the details of such facilities must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development, and thereafter permanently maintained to the satisfaction of the Authority.

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### Reason

In the interests of environmental amenity, by ensuring a suitable provision of refuse storage on the site.

### Condition No. 4

The palisade fencing must incorporate a manufacturer-applied dark colour, the details of which must be submitted to and approved in writing, by the Planning Authority prior to the commencement of development. 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

A dark colour will make the development less prominent within the street scene.

### Reason for Granting Consent.

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically the following policies;

Cumbria Joint Structure Plan 2001-2016 ST3,  
Saved Policies Borough of Barrow in Furness Local Plan Review B3 D21 E9

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<b>PLAN NUMBER:</b>	<b>APPLICANT:</b>	<b>AGENT:</b>
2008/0851 2008/0852	Mr & Mrs Boyd Dewar	John Coward Architects Ltd
<b>WARD/PARISH:</b>	<b>CASE OFFICER:</b>	<b>DATE RECEIVED:</b>
Dalton South Dalton and Newton Parish Council	Leanne Lague 01229 876438	03/07/2008
		<b>STATUTORY DATE:</b> 27/08/2008
<b>LOCATION:</b>		
Church House, Church Street, Dalton-in-Furness		
<b>PROPOSAL:</b>		
Conversion of existing outbuildings into a dwelling/Listed Building Consent for conversion of existing outbuildings into a dwelling		
<b>SAVED POLICIES OF THE FORMER LOCAL PLAN:</b>		

### POLICY B5

Within the urban boundaries of Barrow and Dalton applications for new dwellings or conversions of existing buildings on suitable brownfield sites in residential areas or on the peripheries thereof will be permitted provided the design, siting, layout and access arrangements are satisfactory. This means that the development must also satisfy the criteria of Policy B3. This Policy will also apply to land currently or last used for employment purposes or with planning permission for employment use where the proposal involves the provision of housing for which a specific need has been identified and where the location is considered suitable by the Authority, or such housing is mixed with employment uses, or the existing use is an un-neighbourly or non-conforming one by reason of excessive traffic generation, noise or disturbance to local amenity.

### POLICY B12

Within the existing settlements of Barrow and Dalton and the residential cordons outlined in Policy B13 below, the conversion of buildings to residential accommodation will be permitted where the following criteria can be met:

- a) The building is structurally sound and capable of conversion without major rebuilding, extensions or modifications to the existing structure, as demonstrated by the submission of a satisfactory structural survey;
- b) The building is served by a satisfactory access;

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- c) Water supply, foul and surface water drainage and sewage treatment facilities are readily available on site or can be provided; and
- d) The scale of the conversion, both in terms of the number of units and their size and in terms of architectural detailing is appropriate to the buildings, their character and their location.

### POLICY D15

Development within or affecting the setting of Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the Area. In particular it should:

1. Respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, enclosure, detailing and use of traditional materials;
2. Respect existing hard and soft landscape features including open space, trees, walls and surfacing;
3. Respect traditional plot boundaries and frontage widths; and
4. Respect significant views into or out of the Areas.

Applications for:

- a) Listed Building Consent; or
- b) Planning consent for alterations to un-listed buildings within Conservation Areas or new buildings affecting the setting of a Listed Building must show full details unless otherwise agreed with the Planning Authority.

### POLICY D17

Applications for the re-use of empty Listed Buildings or prominent buildings in Conservation Areas will be given favourable consideration provided the redevelopment will not result in the significant loss of the property's special architectural details or its historic fabric.

### POLICY D18

Alterations and additions to a Listed Building or those properties affected by the Article Four Direction will not be permitted if they adversely affect its character and setting or its architectural or historic features. In particular, the following alterations are likely to be unacceptable, particularly where they pose a conflict with the traditions of the building type or the area;

- a) The use of non-traditional roofing materials;
- b) The use of uPVC or aluminium or other non-traditional materials or styles for windows and doors;

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- c) Pebble-dashing, or rendering of any type where this would result in the loss of features such as stone-work or ornamental brickwork;
- d) The removal of any special features such as ornamental ironwork, carved stonework or brickwork, etc; and
- e) The use of uPVC gutters and downspouts.

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### SUMMARY OF MAIN ISSUES:

This is a sympathetic scheme which meets the criteria set out in local plan policy.

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### NON MATERIAL CONSIDERATIONS:

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### REPRESENTATIONS:

2008/0851

Occupiers of 4, 5, 5a, 5b, Church Street, 7, Skeldene Close, 12, Underwood Terrace, Dalton-in-Furness, all informed.

The Occupier, Bank House, 5 Church Street, Dalton-in-Furness

As per my conversation with David Kitts today, this is just a quick note before I leave for my holiday on my return I will be able to explain my concerns in more detail. I return on the 25 July essentially I feel that this application is over development of an already densely grouped number of houses parking is an issue along with the potential of disturbances between the properties in that my garage will be sited above the master bedroom of the development there are also potential problems with access rights.

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### CONSULTATIONS:

2008/0851

Dalton with Newton Town Council

"The Town Council has no objections in principle however, the Town Council would like to request a site visit".

United Utilities

"I have no objection to the proposal providing this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

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A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development”.

### Cumbria Highways

“Adequate parking and turning manoeuvring space must be identified by way of a plan for both properties affected by this proposal. The parking spaces must be able to operate independently if the dwellings are to be regarded as separate planning units. Access Drive.

The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highways safety.

Highway Water Drainage System.

Full details of the surface water drainage system shall be submitted and approved by the Local Planning Authority prior to works commencing on site”.

Natural England – No response received.

Cumbria Wildlife Trust – No response received.

### **2008/0852**

Ancient Monuments Society – No response received.

Georgian Group - No response received

Society for the Protection of Ancient Buildings - No response received

English Heritage - No response received

Council for British Archaeology - No response received

Heritage Trust for the North West - No response received

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Victorian Society - No response received

Dalton with Newton Town Council - No response received

### **OFFICERS REPORT:**

This report relates to both the planning application (08/0851) and the application for listed building consent (08/0852)

The application site comprises a group of outbuildings set within the curtilage of Church House and the adjoining Bank House, both of which are grade II listed buildings. The buildings are accessed via a gated driveway leading from Church Street, set within the Dalton Conservation Area.

The outbuildings are comprised of four, lock-up garages with a large basement area running underneath one of the four garages (a middle garage) is owned by the neighbouring property (Bank House) although the applicant owns the basement beneath this garage. The building is cut into a steeply sloping bank, making it appear single storey from the front. The lower floor is accessed via steps leading from the southern most garage. There is also a smaller detached garage to the north. The land to the rear of the buildings slopes steeply downwards and features a number of mature trees which are protected under a Tree Preservation Order.

#### Proposal

The application is for the conversion of part of the outbuildings to form a 3 bedroomed dwelling. The most northerly half of the building will form open plan living space. The southern half will remain as garaging for Church House and Bank House.

Within the lower level, accommodation will be formed underneath the proposed living space and the garage for Bank House. The remainder of the basement will remain as a workshop for Church House.

#### Policy

Saved policies D15 and D18 are relevant as the application relates to a listed building within a conservation area.

#### Representations

A representation has been received from the occupier of the neighbouring property regarding parking, amenity and rights of way.

Comments have also been received from Cumbria Highways who recommend the addition of two conditions to any subsequent approval. One of the conditions is however unnecessary, as will be explained further in the report, and therefore should not be attached.

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### Issues

#### Design

The design is sympathetic to the character of the listed building and the Conservation Area, in accordance with policies D15 and D18. The structural report submitted as part of the application states that the buildings are capable of conversion, without the need for major rebuilding works. Walls will need to be repaired and repointed where necessary, using a lime sand mortar.

Good use is to be made of existing openings, with only three new openings proposed in the rear elevation, along with a small rooflight to the front. The existing mono pitched roof, formed from aluminium sheeting, is to be removed over the northern section and replaced with pitched roof using local blue/grey slate. The removal of the existing roof, which is unlikely to be an original feature of the building, will help enhance the Conservation Area in accordance with saved policy D15 of the former Local Plan Review.

All existing windows are to be replaced with timber, painted windows, which are sympathetic to the character of the listed building and its setting.

#### Amenity

One of the bedrooms will be located underneath the neighbours garage. It is therefore important that adequate soundproofing is provided to give the future occupiers an adequate level of amenity. This can be done by the way of a condition.

#### Parking

The existing dwellings of Church House and Bank House (which is under separate ownership) will each retain a garage. The proposed dwelling will benefit from the existing detached garage to the north. There also appears to be space in-front of the garage for the parking of vehicles, whilst leaving enough space within the shared courtyard to allow turning. Cumbria Highways have requested a plan showing the formal parking and turning arrangements, stating that each parking space must be able to operate independently. The allocation of garages is however clear from the drawings submitted, I therefore do not feel such a plan is necessary.

All three garages will be accessed from an existing driveway. This is surfaced in a bound material there is therefore no need to attach the condition suggested by Cumbria highways.

#### Other issues

No evidence of bats/barn owls has been found.

The issue of rights of access raised is a civil matter.

#### Conclusions

This is a sympathetic scheme which will help enhance the setting of the listed buildings and the Conservation Area, in accordance with local plan policy D15.

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### RECOMMENDATION:

I recommend that planning permission be granted subject to the Standard Duration Limit and the following conditions:

#### Condition No. 2

Drainage must be on a separate system.

#### Reason

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

#### Condition No. 3

The window frames and doors must be made of timber and not changed to an alternative material without the prior express written consent of the Planning Authority. They shall be set into the reveals by a minimum of 100mm measured from the external face of the building

#### Reason

In order to safeguard the special architectural or historic interest of the building having regard to saved policies D15 and D18 of the former Barrow Borough Local Plan Review 1996-2006.

#### Condition No. 4

All external joinery shall be permanently maintained in a gloss paint finish unless a variation is agreed in writing with the Planning Authority and which must be permanently retained.

#### Reason

In order to safeguard the special architectural or historic interest of the building having regard to saved policies D15 and D18 of the former Barrow Borough Local Plan Review 1996-2006.

#### Condition No. 5

The roof light hereby permitted shall be flush fitting and shall not be glazed or re-glazed other than with non-reflective glass.

#### Reason

In order to safeguard the special architectural or historic interest of the building having regard to saved policies D15 and D18 of the former Barrow Borough Local Plan Review 1996-2006.

# PLANNING COMMITTEE

## 12<sup>th</sup> August 2008

### Condition No. 6

Prior to the beneficial occupation of the dwelling, bedroom 2 as shown on drawing 07/0823 must be acoustically insulated in accordance with details of the measures to be adopted, which must first be submitted to and approved in writing by the Planning Authority.

### Reason

In the interests of the residential amenities of future occupiers in accordance with saved policy B5 of the former local Plan Review.

### Condition No. 7

There shall be no external plumbing with the exception of rainwater goods unless a variation is agreed in writing with the Planning Authority.

### Reason

In order to safeguard the special architectural or historic interest of the building having regard to saved policies D15 and D18 of the former Barrow Borough Local Plan Review 1996-2006.

### Condition No. 8

Rainwater goods shall be in cast iron.

### Reason

In order to safeguard the special architectural or historic interest of the building having regard to saved policies D15 and D18 of the former Barrow Borough Local Plan Review 1996-2006.

### Condition No. 9

The existing stone and brick walls shall be maintained on the exterior of the building free of any render or other covering.

### Reason

In order to safeguard the special architectural or historic interest of the building having regard to saved policies D15 and D18 of the former Barrow Borough Local Plan Review 1996-2006.

**PLANNING COMMITTEE**  
**12<sup>th</sup> August 2008**

Reason for Approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies B5, B12, D15, D17 and D18.

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**PLANNING COMMITTEE**  
**12<sup>th</sup> August 2008**

<b>PLAN NUMBER:</b>	<b>APPLICANT:</b>	<b>AGENT:</b>
2008/0821	Mr R Keenan	Mr W Woodhouse
<b>WARD/PARISH:</b>	<b>CASE OFFICER:</b>	<b>DATE RECEIVED:</b>
Hawcoat	Ian Sim 01229 876384	04/07/2008
		<b>STATUTORY DATE:</b> 28/08/2008
<b>LOCATION:</b>	36 Wheatclose Road, Barrow-in-Furness	
<b>PROPOSAL:</b>	Erection of a rear ground floor sun lounge extension	
<b>SAVED POLICIES OF THE FORMER LOCAL PLAN:</b>	POLICY B14	

POLICY B14

Extensions to the rear of dwellings will not be permitted where they adversely affect the amenities of neighbouring properties by virtue of loss of sunlight or privacy or by the creation of an overbearing impact or excessive level of enclosure.

POLICY B15

Where privacy is to be protected through distance, a minimum of 21 metres will be required between the facing windows of habitable rooms of different homes. Exceptions to this policy may be made for the facing windows of ground floor habitable rooms, where adequate screening exists and also in cases where normal standards of separation cannot be achieved and existing standards will not be eroded by accepting distances of less than 21 metres.

The use of obscure glazing in habitable room windows will not be an acceptable measure to overcome the provisions of this policy if this is deemed to provide a sub-standard level of accommodation.

POLICY B17

Visually dominating side extensions on corner plots or which otherwise intrude unacceptably on the streetscene will be refused if they are considered to be detrimental to the character or spaciousness of the area. If, however, this effect can be overcome by their re-design with a pitched roof or more matching materials the Authority will require the proposal to be amended accordingly.

# PLANNING COMMITTEE

## 12<sup>th</sup> August 2008

### POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

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### **SUMMARY OF MAIN ISSUES:**

The proposal, whilst long, would not unduly impact upon the character of the area. The extension to the rear would be seen above the boundary screening (which could under current legislation be up to 2 metres in height without the formal consent of the Local Authority), would not impact unduly in terms of natural light or sunlight to such nor to such an extent visually to withhold consent.

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### **NON MATERIAL CONSIDERATIONS:**

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### **REPRESENTATIONS:**

The Occupiers of 19, 21, 23, 25, 30, 32, 34, 36, 38, 40 Wheatclose Road, Barrow in Furness all informed. No representations received.

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### **CONSULTATIONS:**

None.

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### **OFFICERS REPORT:**

The application site is a semi-detached property on the southern side of Wheatclose Road. These properties benefit from a rear southerly aspect and relatively long linear rear gardens. A site visit has been arranged.

The proposal is for a 'L' shaped rear ground floor extension with the longest leg of the L being indicated 9.1 metres in length, this being adjacent to the boundary with the attached property (No. 34 Wheatclose Road). The shortest part of the 'L' being approximately the full width of the property being an indicated 6.9 metres. The roof design, being mono-pitched, gives a ridge height of approximately 3.9 metres.

## PLANNING COMMITTEE

### 12<sup>th</sup> August 2008

A representation has been received from the attached neighbour and members will have noted its contents.

Two main issues are raised by the proposal the impact upon natural light and sunlight and the scheme's visual impact. Taking these in turn, the properties benefit from southerly facing rear elevations. Although the height to the eaves of the proposed ground floor extension is shown as being 2.3 metres, under current legislation a boundary fence on the applicants land could be constructed to a height of 2 metres without the formal consent of the Local Authority. The difference being 0.3 metres and with the southerly aspect, this would have little impact upon natural light or sunlight. The indicators show that the proposed addition would have no significant impact upon the attached neighbours to the west between the hours of 9.45 to 1300 hours approximately, therefore the government guidance is fulfilled. The building which has the most impact upon No. 34 Wheatclose Road is their own ground floor extension which protrudes into their rear garden by approximately 5.5 metres in length. This extension was constructed in 1977 and prior to this the property would have benefited from unobstructed light levels, this existing extension impacts from roughly 1pm onwards. This is illustrated by application of the sunlight indicators at appendix A.

With regard to visual impact, all built development must impact to some degree, it is whether the impact is to such an extent that the withholding of planning permission is warranted. As mentioned above a boundary wall/fence could be constructed to a height of 2 metres and a boundary fence currently exists which would help to screen the proposal. I can appreciate the attached neighbours concern with regard to the length of the extension in close proximity to the boundary. However, a similar principle was considered at appeal relating to 14 Crompton Drive, Dalton the Inspector commented as follows:

*“the open aspect from their patio doors, which are only a matter of 300-400mm from the common boundary, would not be affected to any greater extent than if a high fence were to be erected along the boundary, as you suggest. Similarly, daylight would not be affected to any greater extent. I can appreciate your neighbours' concerns and note that they would object to a fence. However, the fact remains that a fence up to 2 metres in height would not require an express grant of planning permission, being permitted under the Town and Country Planning (General Permitted Development) Order 1995”.*

The existing fence is shown as 1.95 metres in height, although the top section is trellis as shown by sheet 3 of 9 attached. However, as mentioned above this could be replaced by a solid 2 metre high fence/wall without the formal consent of the Local Authority. The design of the extension allows for a modest increase above the existing fence. Certainly, the blank wall presented to No. 34 would be longer, but the principle would remain as above.

Drainage would be via the existing system

The representations have been considered, this application warrants a favourable recommendation.

**PLANNING COMMITTEE**  
**12<sup>th</sup> August 2008**

**RECOMMENDATION:**

I recommend that planning permission be GRANTED subject to the Standard Duration Limit.

Reason for Approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies B14, B15, B17 and D21.

**PLANNING COMMITTEE**  
**12<sup>th</sup> August 2008**

<b>PLAN NUMBER:</b>	<b>APPLICANT:</b>	<b>AGENT:</b>
2008/0807	Mr Douglas Yass	Bryan Greaves
<b>WARD/PARISH:</b>	<b>CASE OFFICER:</b>	<b>DATE RECEIVED:</b>
Hawcoat	Charles Wilton 01229 876553	19/06/2008
		<b>STATUTORY DATE:</b> 13/08/2008
<b>LOCATION:</b>	Land adj to 1 Dane Ghyll, Barrow-in-Furness	
<b>PROPOSAL:</b>	Works to trees subject to Tree Preservation Order 1993 No. 1: T10 Sycamore - 30% prune, Group 3 Sycamore - fell, T11 Sycamore - 30% prune, Group 2 Poplars –fell.	

**SAVED POLICIES OF THE FORMER LOCAL PLAN:**

No specific policies

**SUMMARY OF MAIN ISSUES:**

The felling exceeds that required for good tree management.

**NON MATERIAL CONSIDERATIONS:**

**REPRESENTATIONS:**

The Occupiers of 157 Dalton Lane, 1 & 2 Dane Ghyll, Barrow-in-Furness all informed. No representations received.

**CONSULTATIONS:**

**OFFICERS REPORT:**

The application site comprises garden ground situated between 157 Dalton Lane and 1 Dane Ghyll but which is independently owned. The site contains a number of trees which are subject of Tree Preservation Order 1993 no. 1.

Situated at the back of the site (furthest from Dalton Lane) are a group of poplar trees. The proposal includes the complete felling of these trees. While there may be an argument that some thinning of the group would be beneficial, the works clearly go beyond arborical management.

## PLANNING COMMITTEE

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Similarly at the front (adjoining Dalton Lane) there are proposals to remove a group of sycamore trees which again could benefit from thinning. A reduction in the height of two sycamore is also proposed.

As commented above the felling exceeds that which is reasonably necessary in terms of arborical management and which would result in the loss of trees which make a valuable contribution to the amenities of the locality.

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#### **RECOMMENDATION:**

I recommend that A:

Planning permission be REFUSED for the following reason:

#### Reason

The proposal would result in a loss of trees which make a valuable contribution to the amenities of the locality.

and B:

That a certificate be issued under article 5 of the Order that the trees and groups of trees have an outstanding or special amenity value.

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