



## **DEVELOPMENT SERVICES**

### **PLANNING COMMITTEE**

#### **FOR DECISION**

**27<sup>th</sup> March 2018**

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 within 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, 16<sup>th</sup> May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8<sup>th</sup> 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.

*Jason Hipkiss*

**Planning Manager**

B20/2018/0046  
 Planning Committee  
 27th March 2018



<b>Application Number</b> : B20/2018/0046	<b>Date Valid</b> :23/01/2018
<b>Address</b> : 52 Manchester Street Barrow-in-Furness Cumbria LA14 1QR	<b>Case Officer</b> : Barry Jesson
<b>Proposal</b> : Convert commercial property to property of multiple occupancy with 8 bedrooms and en-suites and communal living area	
<b>Ward</b> : Hindpool Ward	<b>Parish</b> : N/A
<b>Applicant</b> : Mr Carl Waters 87 Lowther Road Millom	<b>Agent</b> : Mr David Poole Hollandia Great Urswick Ulverston
<b>Statutory Date</b> : 20/03/2018	<b>Recommendation</b> : <b>Granted with conditions</b>

## Summary of Main Issues

The provision of an 8 bed HMO does intensify the residential character of the wider street. However, when this is balanced against the existing commercial office use of the premises, which has the potential for many more staff to be employed, it is difficult to substantiate any significant intensification of the building over and above the existing potential activity associated with the unit.

## National Guidance

Para **14** and **17** of the **NPPF** which promotes sustainable development through core planning principles, one of which is ensuring good design.

**NPPF 50** states “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (...)”

## Local Plan Policies

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

## **Saved Local Plan Policies**

1. Housing Chapter Alteration 2006 - Policy B3
2. Housing Chapter Alteration 2006 - Policy B6

## **Emerging Draft Local Plan Policies**

1. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS1 - Council's commitment to sustainable development
2. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS2 - Sustainable Development Criteria
3. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS5 - Design
4. Submission Draft Local Plan – December 2017 - Policy Emerging Policy H26 - Large Houses in Multiple Occupation (HMOs) and the Subdivision of Dwellings
5. Submission Draft Local Plan – December 2017 - Policy Emerging Policy H7 - Housing Development on Windfall Sites

## **Response to Publicity and Consultations**

Development advertised on site

## **Neighbours Consulted**

### **Street Name**

Abbey Road  
High Street  
Manchester Street

### **Properties**

Newspaper House  
34, 48  
Ground Floor Flat 50  
First Floor Flat 50  
Second Floor Flat 50

## **Neighbour Responses**

Responses	Support	Object	Neutral
1	0	1	0

## **Material Considerations**

Intensity of residential use, available parking provision

## **Non Material Considerations**

N/A

## **Organisations Consulted**

### **Consultee**

Barrow Borough Council (Building Control)  
Barrow Borough Council (Environmental Health)  
Barrow Borough Council (HMO) Jayne Parrington  
Barrow Borough Council (Planning Policy)  
Cumbria County Council (Emergency Planning)  
Cumbria County Council (Highways)  
United Utilities (Asset Protection)

## **List of Organisation Responses**

### **Barrow Borough Council (Building Control) 24/01/2018**

"Building regulation approval required for the proposals".

### **McKenzie Armstrong Cumbria County Council (Highways) 13/02/2018**

"As you are aware this site is located in a part of the city in easy accessible reach of both the railway and bus routes ( as well as neighbouring residential estates ). The additional parking pressure this application could entail could therefore not be used as a reason to seek refusal. Therefore, I can confirm that the Highway Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway".

### **McKenzie Armstrong Cumbria County Council (LLFA) 13/02/2018**

"The LLFA do not have any records of flooding on this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk."

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## **Officers Report**

### **1.Site and Locality**

1.1 The site is located on the edge of Barrow town centre fronting Manchester Street, on the corner of High Street. Rear access also exists from the alley gated backstreet. The end of terraced property is now vacant but was last used as commercial offices. Parking is limited to on-street parking - the car park opposite is a private contract arrangement. Due to the central location the property is very close to shops and services, with Abbey Road bus stops only metres away.

## 2.Proposal Details

2.1 Convert commercial property to property of multiple occupancy with 8 bedrooms and en-suites and communal living area

## 3.Relevant History

3.1 1988/0431 52 Manchester Street, Barrow-in-Furness Window and door alterations in connection with conversion to offices Approved 30/06/1988

3.2 1988/0431 52 Manchester Street, Barrow-in-Furness Window and door alterations in connection with conversion to offices Approved 30/06/1988

3.3 1988/0717 52 Manchester Street, Barrow-in-Furness Consent to display advertisements - Installation of internally illuminated advertisement sign on eastern elevations Appcond 21/09/1988

## 4.Officer Assessment

### Location

4.1 The property is within a residential section of the town centre, adjacent to a commercial retail areas. In terms of sustainability the location scores highly as it is within reach of a number of shops and services, places of employment and is well served by public transportation. These factors combine to reduce the reliance/need for a private vehicle. As such, it is not considered necessary to require off-road parking due to the reduced need, but also due to space constraints within the town centre. Public and contract parking is available nearby if required. The urban, town centre location for the proposed HMO is therefore considered sustainable as defined in the NPPF and saved/emerging policy (B3 & H7).

### Relationship with existing terrace

4.2 Whilst the principle of the location is sustainable and therefore accepted, the relationship with adjacent dwellings and streets has to be considered. The former/lawful use is commercial, last used for offices (appears to be B1 business). This sized property could have accommodated significantly more than the 8 people proposed over the three storeys. The commercial nature would also likely require deliveries, visitors/customers etc increasing the comings and goings when compared to a typical dwelling.

4.3 Whilst accepting that the proposed larger HMO for 8 people isn't a 'typical' dwelling, it has to be considered whether the activity associated with it would exceed that of the current use to such a degree to be harmful. A recent dismissed appeal decision (APP/W0910/W/17/3179882) at Park Avenue commented,

4.4 *"Taking account of the size of the appeal property, the activity generated by eight persons living independent lives, along with their visitors, and their coming and goings would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family. This would give rise to a level of general noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of Nos 2 and 6. The overall effect would be one which would lead to material harm to the living conditions of those neighbours, a consideration which carries considerable weight against the proposal."*

4.5 In that case it was judged to result in material harm, carrying considerable weight against the scheme. The primary difference in this case however is the comparison isn't against an existing single dwelling use, but rather a fairly large commercial office use. As stated above it would be expected that the commercial nature of the use would already be more disruptive than a single house. The base comparison in this case is evidently different. The Inspector concluded,

4.5 *"I recognise that the matter is finely balanced but whilst a genuine fallback of a six person HMO exists, this does not provide sufficient justification for the proposal which would result in materially more dense and intensive occupation."*

4.6 Whilst identifying harm from the more intensive use (when compared to a single dwelling or 6 bed HMO), it was acknowledged the matter was finely balanced. In this case the comparison is not with a single dwelling, but rather an existing commercial use. It is therefore not automatic that material harm will arise to the same degree.

4.7 Discussions have been held with both the applicant's agent and Environmental Health with regard to internal standards and access to elements such as bin stores. This has resulted in a redesigned layout which now provides rear access to the backstreet for putting out/collecting bins, but also a dedicated bin store to prevent them being left outside. A larger kitchen area has been provided, with tea making facilities provided in the third floor to improve amenity by preventing numerous trips to the ground floor kitchen. Whilst raised in an objection letter, as previously stated there is no need for off-road parking due to the town centre location, with existing parking restrictions in place to prevent unlawful parking. Reference to 16 people residing is incorrect - the agent has confirmed it is intended for 8 people only and this would be restricted via the license also required. The character of the street should not be altered to any significant degree as it already has a residential feel - this would be added to with the loss of the offices, albeit in a slightly different form to the typical 2 bed terraced dwellings. External alterations are minimal, and will reflect the predominantly residential character of the street.

## Planning Balance

4.8 The Development Plan remains the starting point for determining applications. Saved Policy B3 directs new dwellings on unallocated sites to the built up, urban areas of settlements, as does emerging policy H7. Added to this, B6 and (emerging) H26 further define requirements for subdivision of flats/HMO's. In assessing these policies and the weight afforded to them, B3 has previously been found to be out of date so only very limited weight can be given to this policy. As a result of one of the primary relevant policies being out of date, paragraph 14 of the NPPF applies, which states,

4.9 *"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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."*

4.10 This alters the usual planning balance. Whilst in the appeal case referenced above the matters were considered by the Inspector to be finely balanced, the harm was considered sufficient to outweigh the benefits the HMO brought. However, in a tilted balance, the harm has to significantly and demonstrably outweigh the benefits. As discussed, the base comparison is different as rather than assessing against an existing dwelling being intensified by converting into an 8 bed HMO, the existing use is commercial. Whilst vacant, the use remains lawful and could be readily occupied once more within the B1 business use class. The comparison should therefore be against the lawful use rather than the vacant property.

4.11 It is felt that the existing lawful use therefore has the potential to provide an equal if not greater level of disturbance than an 8 bed HMO would, as more workers could be accommodated given amenity space is not required to the same degree. Added to customers/visitors and deliveries etc, the comings and goings are likely to exceed that of the existing dwellings in the terrace. It is not apparent that the HMO will increase this level further, certainly not to significantly and demonstrably outweigh the benefits of providing a broader housing choice, both in tenure and type, located in a sustainable location.

## **5. Conclusions**

5.1 The location is considered to be sustainable, whilst the internal standards have been improved to now provide sufficient amenity and access. It is not considered that the HMO, whilst acknowledging it is a more intensive form of residential use, will significantly alter the character of the area in any harmful way given the existence of current commercial use. Whilst the tilted balance applies, it is considered that the application would have been supported regardless as it is considered to comply with saved and emerging policy.

5.2 The benefits of providing additional housing close to employment, services, shops and public transport, whilst bringing into use a currently vacant premises are clear. The commercial nature of the property at present mitigates any concern that may have resulted from any intensification associated with a larger HMO; indeed the HMO may have a positive affect on the street by reducing the level of disturbance associated with the existing use.

## **6. Recommendation**

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

2. The development must be begun not later than the expiration of three years beginning with the date of this permission.

## **Reason**

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

## ***Compliance with Approved Plans***

3. The materials to be used in the construction/filling in of redundant openings in the external surfaces, including walls, roofs, doors and windows of the conversion hereby permitted shall be of the same type, colour and texture as those used in the existing building.

## **Reason**

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

4. The development shall be carried out and completed in all respects in accordance with the application dated 12.01.18 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent.

FDS0392 1B, 2D, 3F and 4G

## **Reason**

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

## ***Before Occupation***

5. The bin store shown on the approved plans intended for the storage of recycling receptacles and wheeled refuse storage bins of suitable capacities to serve the development must be provided before the beneficial use of the premises begins and thereafter permanently maintained to the satisfaction of the Authority.

## **Reason**

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

## ***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
  - 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.
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B21/2018/0141  
Planning Committee  
27<sup>th</sup> March 2018



<b>Application Number</b> : B21/2018/0141	<b>Date Valid</b> :16/02/2018
<b>Address</b> : 26 Foxfield Road, Barrow-in-Furness, Cumbria, LA14 3SJ	<b>Case Officer</b> : Jennifer Dickinson
<b>Proposal</b> : Demolition of existing conservatory and construction of new single storey flat roof kitchen/diner extension	
<b>Ward</b> : Walney North Ward	<b>Parish</b> : N/A
<b>Applicant</b> : Mr & Mrs Brown, 26 Foxfield Road, Barrow-in-Furness	<b>Agent</b> : Mr Ian Whalley, 26 Buttermere Drive, Dalton-in-Furness
<b>Statutory Date</b> : 13/04/2018	<b>Recommendation</b> : Granted with conditions

## Summary of Main Issues

A representation has been received from the attached neighbour concerning the impact on light received to their property from the development.

## National Guidance

National Planning Policy Framework - Paragraphs 14, 17 and 56 - Core Planning Principles placing importance on good design

## Local Plan Policies

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

### **Saved Local Plan Policies**

1. Saved Local Plan 2001 - Policy D21
2. Housing Chapter Alteration 2006 - Policy B14
3. Housing Chapter Alteration 2006 - Policy B15

### **Emerging Draft Local Plan Policies**

1. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS1 - Council's commitment to sustainable development
2. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS2 - Sustainable Development Criteria
3. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS5 - Design

4. Submission Draft Local Plan – December 2017 - Policy Emerging Policy H17 - Protection of Residential Privacy

## **Response to Publicity and Consultations**

### **Neighbours Consulted**

<b>Street Name</b>	<b>Properties</b>
Bankfield Gardens	7,
Foxfield Road	24, 28,

### **Neighbour Responses**

Responses	Support	Object	Neutral
2	0	2	0

### **Material Consideration**

Impact on light.

### **Non Material Considerations**

Private Views

Property Values

### **Organisations Consulted**

#### **Consultee**

Barrow Borough Council (Building Control)

#### **List of Organisation Responses**

**Barrow Borough Council (Building Control) 19/02/2018**

“Building regulation approval required for the proposal” .

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## **Officers Report**

### **1. Site and Locality**

1.1 The site is a semi detached bungalow positioned to the east of Foxfield Road. It currently benefits from a rear conservatory which is to be replaced by this proposal.

### **2. Proposal Details**

2.1 Demolition of existing conservatory and construction of new single storey flat roof kitchen/diner extension

### **3. Relevant History**

3.1 1976/1005 28 Foxfield Road, Barrow-in-Furness - Dormer bedroom Refused 20/12/1976

3.2 B21/2013/0263 28 Foxfield Road Barrow-in-Furness - Addition of bay window to front elevation. Appcond 21-MAY-2013

### **4. Officer Assessment**

4.1 Existing currently on site is a glazed conservatory which extends out from the rear elevation by 2.5m. This proposal is to replace this with an extension 4m in depth. A representation has been received from the attached neighbour to the site concerning impact on light received.

4.2 Upon checking the sun on ground indicators for the neighbouring property, due to their position to the south of the site, there should be no impact on sunlight or daylight to the neighbouring property from the proposal. The extension is set in from the boundary by 0.7m which assists in reducing the impact of the proposal. Whilst there is an increase in height compared to the existing conservatory the set in should assist in ensuring the proposal does not appear overbearing. The neighbour to the north of the site is separated by detached garages and there should be no additional impact from this proposal on this neighbour.

4.3 Due to the position of the proposal to the rear of the site there should be minimal visual impact. It should not be visible within the wider street scene and as such the proposed flat roof is considered acceptable. Privacy is improved by the proposal due to the introduction of blank elevations on the side elevations. To the rear the nearest property is approximately 40m away and as such privacy will be protected by distance and boundary treatments.

4.4 The proposal is considered to have minimal impact on both visual and residential amenity and to accord with both local and national policies. The matters raised by the representation such as private views and property prices are not material considerations for planning and the proposal is therefore considered acceptable.

## **5. Conclusions**

5.1 The proposal is considered to have minimal impact on both visual and residential amenity and to accord with both local and national policies. The matters raised by the representation such as private views and property prices are not material considerations for planning and the proposal is therefore considered acceptable.

## **6. Recommendation**

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

### **Reason**

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

26FR/P/01, 02, 03, 04

### **Reason**

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

3. The materials to be used in the construction of the external surfaces, including walls, doors, and windows of the extensions hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

## **Reason**

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

## ***Operational Conditions***

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the side elevation facing 24 Foxfield Road of the permitted extension without the prior written consent of the Planning Authority.

## **Reason**

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

## ***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
  - 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.
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B22/2018/0102  
 Planning Committee  
 27<sup>th</sup> March 2018



<b>Application Number</b> : B22/2018/0102	<b>Date Valid</b> :02/02/2018
<b>Address</b> : 182 Roose Road Barrow-in-Furness Cumbria LA13 0EE	<b>Case Officer</b> : Barry Jesson
<b>Proposal</b> : Advertisement consent to display 2 No. internally illuminated fascia signs and 1 No. internally illuminated projecting sign.	
<b>Ward</b> : Risedale Ward	<b>Parish</b> : N/A
<b>Applicant</b> : Mr M Bird c/o AEW Architects The Zenith Building Spring Gardens Manchester	<b>Agent</b> : Mr Brendan O'Donovan AEW Architects The Zenith Building Spring Gardens Manchester
<b>Statutory Date</b> : 30/03/2018	<b>Recommendation</b> : <b>Granted with conditions</b>

## Summary of Main Issues

The proposed advertisements are appropriate in scale and appearance whilst the level of illumination is minimal, lighting only the stand off letters/logo. Neither element will harm the residential amenity of the surrounding area.

## National Guidance

NPPF 67. Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

## Local Plan Policies

Full details of the policies listed below are included in the appendix  
 Saved Local Plan Policies

1. Saved Local Plan 2001 - Policy D38
2. Saved Local Plan 2001 - Policy D39
3. Saved Local Plan 2001 - Policy D43
4. Saved Local Plan 2001 - Policy D63

## **Emerging Draft Local Plan Policies**

1. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS1 - Council's commitment to sustainable development
2. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS2 - Sustainable Development Criteria
3. Submission Draft Local Plan – December 2017 - Policy Emerging Policy DS5 - Design

## **Response to Publicity and Consultations**

### **Neighbours Consulted**

<b>Street Name</b>	<b>Properties</b>
Roose Road	180, 186,
Westway	1,

### **Neighbour Responses**

Responses	Support	Object	Neutral
1	0	1	0

### **Material Considerations**

Level of illumination and potential for pollution/nuisance

### **Non Material Considerations**

Issues relating to the principle of the takeaway use, traffic, noise, litter, location of defibrillator.

## Organisations Consulted

### Consultee

Barrow Borough Council (Estates)  
Cumbria County Council (Highways)

## List of Organisation Responses

### Barrow Borough Council (Estates) 07/02/2018

no comment

### Cumbria County Council (Highways) 20/02/2018

"Thank you for your consultation on 06/02/2018 regarding the above Planning Application.

Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (**LLFA**) has reviewed the above planning reference and our findings are detailed below.

### The Highways Authority response (HA)

The Highways Authority have viewed the available documentation regarding this proposal for signage and lighting. I can confirm that the Highway Authority and LLFA have no objection to the proposed development. I would however recommend the following conditions be incorporated into any consent you may be minded to issue:-

- There shall be minimum clearance of 2.44m between the surface of the highway and the lowest part of the building/structure where it overhangs the highway (including the footway, footpath or verge).
- No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military). *Any signs shall be sited to ensure vertical and horizontal clearance between the sign and footway/carriageway that conforms with highway signing regulations.*

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

- The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway, and shall be maintained in that respect thereafter.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

- As stipulated in the Professional Lighting Guide 05 2014, the luminance levels must not exceed 600cd/m<sup>2</sup>."

## **Officers Report**

### **1. Site and Locality**

1.1 The site comprises a large detached property on the corner of Roose Road and Westway, previously occupied by AB Mitchell Construction. The property has in the past been used as a Police Station and as the Council's neighbourhood housing office. The property sits in a largely residential area although there are some neighbourhood shops immediately to the west, including another hot food takeaway, general convenience store and an education/learning centre.

### **2. Proposal Details**

2.1 Advertisement consent to display 2 No. internally illuminated fascia signs and 1 No. internally illuminated projecting sign.

### **3. Relevant History**

3.1 1976/0463 180 Roose Road, Barrow-in-Furness Store and utility room  
Approved 26/07/1976

3.2 1976/1139 180 Roose Road, Barrow-in-Furness Alterations and linking of shops  
Approved 09/02/1977

3.3 1977/0733 180 Roose Road, Barrow-in-Furness Illuminated projecting sign  
Appcond 14/09/1977

- 3.4 1989/0842 Former Police Station, Roose Road, Barrow-in-Furness Town and Country Planning General Regulations 1976, Regulation 4 - deemed planning permission for change of use and conversion of former police station into a neighbourhood housing office Appcond 13/12/1989
- 3.5 83/1997/0668 Roosegate News Roose Road Barrow-in-Furness Cumbria Display of a externally illuminated static projecting sign. Appcond 22/08/1997
- 3.6 83/2002/0561 Roosegate News 180 Roose Road Barrow-in-Furness Cumbria LA13 0EE Display of internally illuminated free standing advertisement unit (Retrospective). Appcond 25/07/2002
- 3.7 B14/2015/0100 182 Roose Road Barrow-in-Furness Cumbria LA13 0EE Erection of a first floor extension to side elevation, a two storey extension to front elevation and enclosure of forcourt with wall and railings. Appcond 21-MAY-2015
- 3.8 B14/2016/0213 182 Roose Road Barrow-in-Furness Cumbria LA13 0EE Erection of a first floor extension to side elevation, a two storey extension to front elevation and enclosure of forcourt with wall and railings - resubmission of 2015/0100. Appcond 20/05/2016
- 3.9 B20/2017/0412 182 Roose Road Barrow-in-Furness Cumbria LA13 0EE Change of use from offices (Class B1) to a Pizza retail and delivery takeaway (A5) APPCOND 07/11/2017
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## **4. Officer Assessment**

4.1 The application relates to two fascia signs and a projecting/hanging sign. The fascia signs are to be located on the front (Roose Road) and side elevations (Westway), with the hanging sign on the corner of these two fascias, mounted on the Roose Road side. The signs are quite discreet, featuring the standard corporate colours/branding (grey background, white lettering) but do feature illumination; concern has been raised that these lights will shine into bedroom windows. The illumination proposed is external, in the form of a downward facing trough light. This is limited to the letters/logo rather than the entire fascia length. The stated illumination level is only 200 cdm<sup>2</sup>, well below the suggested maximum of 600 cdm<sup>2</sup>. The directing of the light downwards should also prevent any unacceptable glare or spill of lighting, in accordance with the Shopfront and Advertisement Design SPD guidance. The hanging sign also features external illumination to the same level, and again features a downward trough. The sign fronting Westway faces a blank gable end of a property, which should preclude any nuisance from the illumination in this direction. The signs will be required to turn off any illumination between the hours of 23:00 and 07:00 by condition, which aligns with the store opening hours as conditioned on the original consent.

4.2 The signs are modern in appearance and are appropriate in amount, size and scale. Cumbria CC has no objection, though the hanging sign has been voluntarily raised in height by the agent to provide the minimum clearance required under the Highways Act to prevent unnecessary amendments/subsequent applications.

## **5. Conclusions**

5.1 The illumination proposed is at a minimum and should not harm the residential amenity of the area. Visually the signs fit well with the property itself and the wider row which features other such shop fascia's. No highway safety issue results. The proposal is in accordance with local and national policy.

## **6. Recommendation**

I recommend that Advertisement Consent be GRANTED subject to the following conditions :

## ***Compliance with Approved Plans***

1. The development shall be carried out and completed in all respects in accordance with the application dated 31/01/18 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent.

'Proposed Shopfront Elevations' (ref TBC)

### **Reason**

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

## ***Pre-commencement Conditions***

No conditions of this type

## ***During Building Works***

2. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

### **Reason**

Required to be imposed pursuant to Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.

## ***Operational Conditions***

3. Maximum luminance of the signage must not exceed 200 candelas per square metre as per Zone E3 of the I.L.E. Recommendation Tech Report No 5.

## **Reason**

To minimise light pollution in accordance with Saved policy D63 of the Barrow Local Plan Review 1996-2006, and in order to protect the residential amenities of the area.

**4.** The advertisement(s) hereby granted consent shall not be illuminated between the hours of 2300 and 0700 (the next day).

## **Reason**

To minimise light pollution in accordance with Saved policy D63 of the Barrow Local Plan Review 1996-2006, and in order to protect the residential amenities of the area.

**5.** No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

## **Reason**

Required to be imposed pursuant to Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.

**6.** No advertisement shall be sited or displayed so as to; (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

## **Reason**

Required to be imposed pursuant to Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.

7. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

## **Reason**

Required to be imposed pursuant to Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.

8. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

## **Reason**

Required to be imposed pursuant to Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.

## ***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
  - 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.
-

## Appendices of Saved and Emerging Policies

### Note to Members

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

#### Saved Policies

The starting point when determining applications remains the Development Plan. Applications must be determined in accordance with the Development Plan unless material considerations, including the NPPF, indicate otherwise.

The tilted balance under paragraph 14 of the NPPF is engaged where any of the policies relevant to the application are out of date or where there is no 5 year housing land supply. At present the Council can demonstrate a supply in excess of 5 years. The officers report will indicate if any policies are out of date and how much weight they can be given. Under the tilted balance applications should be approved unless

*"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies as a whole, or specific policies in the Framework indicate development should be restricted."*

The tilted balance is not engaged where all relevant policies are in date and there is a sufficient supply of housing land.

#### Emerging Policies

As the emerging Local Plan is now under examination, the policies within it can be given weight. The amount of weight each policy has is dependent upon the significance of unresolved objections to the policy and how consistent it is with the NPPF.

## Saved Local Plan 2001

### 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.

### **D38**

Applications for consent to display advertisements that would be detrimental by nature of their scale, height or amount or type of illumination to the amenities of residential properties in those areas with a mixture of commercial and residential uses will be refused.

### **D39**

Consent for advertisements fixed to the principal public entrance of a building, or to a building elevation not used as a commercial frontage, will be permitted provided that they would not harm the street scene by nature of their scale, height or amount of illumination.

### **D43**

Proposals for illuminated advertisements will be granted consent provided that they would not harm the interests of visual amenity, including sky darkness pollution, or highway safety by nature of their scale, height, amount or hours of illumination.

### **D63**

The Council will seek to minimise light pollution. Details of any external lighting scheme required as part of any new development should be submitted as part of the planning application. Applicants will be expected to demonstrate to the Authority that the scheme proposed is the minimum needed for security and working purposes and that it minimises the potential pollution from glare and light spillage, particularly to residential and commercial areas, areas of nature conservation importance and areas whose open and remote landscape qualities would be affected. Lighting will be required to be directed to the part of the site where it is needed and the Authority will require measures to be taken to seek to ensure that it does not spread beyond the site boundaries or upwards into the sky. Any approved scheme, once installed, will have to meet the

parameters agreed in the submitted details.

## **Housing Chapter Alteration 2006**

### **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.

### **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.

### **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
- 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.

## **B6**

Subdivision of existing properties in residential areas to flats will be permitted provided the following can be met:

- i) There is no detriment to the residential amenity of neighbouring properties, especially with respect to the loss of privacy;
- ii) Adequate car parking facilities can be produced without placing an unacceptable strain on the on-street parking facilities;
- iii) The subdivision will not detract from the character of that area;
- iv) Adequate external and internal amenity space is provided;
- v) The conversion works retain the character of the building;
- vi) There is adequate access from the residential units to both the front and rear of the building; and
- vii) Adequate capacity either exists or can be provided in relation to water supply, foul

and surface water sewerage and sewerage treatment.

## **Local Plan 2017**

### **Emerging 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.

### **Emerging 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.

## **Emerging 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.

## **Emerging Policy H17 - Protection of Residential Privacy**

Proposals for extensions must demonstrate through good design that an acceptable standard of privacy can be maintained between opposing and neighbouring properties. Principal windows in the side elevations of habitable rooms at upper floor levels should be avoided where the privacy of neighbouring occupiers will be compromised. Where privacy is to be protected by distance alone, a minimum of 21 metres will be required between the facing windows of habitable rooms of opposing homes. Exceptions may be made for the facing windows of ground floor habitable rooms where adequate screening exists and 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. In all situations the use of obscure glazing in the principal windows of habitable rooms will not be an acceptable measure to overcome the provisions of this policy as this is deemed to provide a sub-standard level of accommodation.

Habitable areas are defined as living rooms, bedrooms, studies, dining rooms, and kitchens with dining areas.

## **Emerging 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.

## **Emerging Policy H7 - Housing Development on Windfall Sites**

Applications for residential development on windfall sites (i.e. sites that are not allocated in the Local Plan) will be permitted where they satisfy all of the following criteria:

- a) The site is located within or adjoining an existing urban area or within a cordon village identified in Policy H4;
- b) Site planning, layout and servicing arrangements are developed comprehensively;
- c) Buildings are well designed in terms of siting, grouping, scale, orientation, detailing, external finishes, security and landscaping in response to the form, scale, character , environmental quality and appearance of the site and the surrounding area;
- d) An acceptable standard of amenity is created for future residents of the property in terms of sunlighting, daylighting, privacy, outlook, noise and ventilation;
- e) The site is served by a satisfactory access that would not impact unduly on the highway network;
- f) The site has been designed to promote accessibility by walking, cycling and public transport, as opposed to the private car;
- g) The development is sustainable in its energy usage, environmental impact, drainage, waste management, transport implications and is not at risk of flooding;
- h) The capacity of the current and proposed infrastructure to serve the development is adequate taking into account committed and planned housing development;
- i) Where spare infrastructure capacity is not available, the site has the ability to provide for the infrastructure requirements it generates, subject to criterion f);
- j) Within rural settlements the applicant will be expected to demonstrate how the development will enhance or maintain the vitality of the rural community where the housing is proposed;
- k) Where the site is located on the edge of Barrow and Dalton, the applicant will be required to demonstrate how the development integrates within existing landscape features and is physically linked to the settlement and does not lead to an unacceptable intrusion into the open countryside or would result in the visual or physical coalescence of settlements;
- l) The proposal will not harm the historic environment, heritage assets or their setting;

m) There would be no unacceptable effects on the amenities and living conditions of surrounding properties from overlooking, loss of light, the overbearing nature of the proposal or an unacceptable increase in on-street parking; and

n) The development must comply with Policy N3 and the design principles set out in the Development Strategy chapter should be followed.

The site should make effective use of previously developed land where possible.

# DRAFT

## PLANNING COMMITTEE

27<sup>th</sup> March 2018

### INDEX

Page	Reference	Address	Proposal
2	2018/0046	52 Manchester Street, Barrow-in-Furness	Convert commercial property to property of multiple occupancy with 8 bedrooms and en-suites and communal living area
14	2018/0102	182 Roose Road, Barrow-in-Furness	Advertisement consent to display 2 No. internally illuminated fascia signs and 1 No. internally illuminated projecting sign.
26	2018/0141	26 Foxfield Road, Barrow-in-Furness	Demolition of existing conservatory and construction of new single storey flat roof kitchen/diner extension