



DEVELOPMENT SERVICES

PLANNING COMMITTEE

FOR DECISION

15th March 2022

Ladies and Gentlemen,

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

All applications 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, 16th May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8th August, 1995). All applications left as Delegated will be decided by the Committee and will not be subject to confirmation by Council.

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

PUBLIC PARTICIPATION

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

Jason Hipkiss

Head of Development Management

B20/2021/0942
Planning Committee
15th March 2022



Application Number : B20/2021/0942	Date Valid :22/11/2021
Address : 47 Crellin Street, Barrow-in-Furness, Cumbria, LA14 1DS	Case Officer : Jennifer Dickinson
Proposal : Change of use from retail (Class E) to hot food takeaway (Sui Generis) and installation of extraction fan and ducting system on rear elevation and associated external alterations (part ducting to rear of 49 Crellin Street).	
Ward : Hindpool Ward	Parish : N/A
Applicant : Mr Munur Kaya	Agent : Mr David Poole FDS Architectural
Statutory Date : 17/01/2022	Recommendation : Approve with conditions
Barrow Planning Hub	

Relevant Policies and Guidance

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

National Policies

1. National Planning Policy Framework 2021 - Policy NPPF 011
2. National Planning Policy Framework 2021 - Policy NPPF 081
3. National Planning Policy Framework 2021 - Policy NPPF 130

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
4. Barrow Borough Local Plan 2016-2031 - Policy R15 - The location of hot food takeaways
5. Barrow Borough Local Plan 2016-2031 - Policy R16 - Opening hours of hot food takeaways
6. Barrow Borough Local Plan 2016-2031 - Policy R17 - Conversion of upper floors to residential units within the town centre
7. Barrow Borough Local Plan 2016-2031 - Policy R18 - Residential Protection Areas
8. Barrow Borough Local Plan 2016-2031 - Policy R2 - Barrow Town Centre

Summary of Main Issues

The key considerations for this proposal are the impacts from the change of use when compared to the existing lawful use of the site. This needs to be considered by taking account of the newly expanded uses now permitted under Use Class E, along with the potential impact upon residential amenity. This matter is being reported to Planning Committee at the request of a Councillor and also due to a representation being received.

Non Material Considerations

Matters covered under Building Regulations or Environmental Protection.

Response to Publicity and Consultations

Neighbours Consulted

Street Name	Properties
Crellin Street	45, Flat 47, 48 50, 49,
Hall Street	35, 37,

Responses	Support	Object	Neutral
1	0	1	0

Site notice displayed expiring on 14.12.21

Summary of Response

-) Queried accuracy of drawings in relation to rear yard. Advised extension built Summer 2020 unsure if planning or building regulations approval was sought.
-) Building materials still in back street.
-) Bins are full most of the time and rubbish is often scattered by seagulls. If development approved would like to be assured that the mess would not be increased.
-) No objection if above is taken into consideration.

Organisations Consulted

Consultee

Barrow Borough Council (Building Control)
Barrow Borough Council (Planning Policy)
Barrow Borough Council (Public Protection Services Licensing)
Barrow Borough Council (Public Protection Services Noise)
Barrow Borough Council (Public Protection Services)
Cumbria Constabulary (Force Crime Prevention Design Advisor)
Cumbria County Council (Emergency Planning)
Cumbria County Council (Highways)
United Utilities (Asset Protection)

List of Organisation Responses

23/11/2021

Barrow Borough Council (Public Protection Services Licensing)

"This premises will likely require an authorisation under the Licensing Act 2003 for late night refreshment. Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access".

04/01/2022

Cumbria Constabulary (Force Crime Prevention Design Advisor)

"Many thanks for your communication dated 16th December 2021.

I wish to offer the following comments, which I have considered from a crime prevention perspective. I have also consulted with the Neighbourhood Policing Team that patrols this area – see comments below.

Hot food retail premises continue to generate calls for police service, invariably as a consequence of their contribution to the evening and night time economy. The proposed trading hours are noted and it is apparent that this establishment will trade to the local night time economy. It is likely that the Licensing Authority will seek conditions to achieve the Licensing Act objectives – as customers are more likely to be under the influence of intoxicants.

I recommend the following measures to the applicant to reduce the opportunities for crime.

- Building resistance to burglary (specification and arrangement of exterior doors, accessible windows, locking devices and glazing to resist forced entry)
- Presence and configuration of an intruder alarm (if police response is required, the system must be compliant with National Police Chief's Council Security Systems Policy)
- Secure cash handling facilities and avoidance of storing cash on premises overnight
- External waste bin management (to mitigate against exploitation as climbing aid and arson risks)
- Dimensions of servery counter (without compromising DDA compliance) to protect staff against aggressive customer behaviour

- Physical separation of the retail space from preparation and private spaces
- Presence and configuration of CCTV (image standard and Data Protection legislation compliance issues)

Following consultation with the NPT it is apparent that aspects of this Use are already having an adverse effect on the community, reportedly poor parking and anti-social behaviour by delivery drivers servicing existing establishments. This activity is prompting complaints and consequently generating calls for police and partners service. Presumably the applicant also intends utilising a delivery service and so the reported issues may be exacerbated.

Referring to Policy R15 of the Local Plan, the NPT enquires if the applicant has provided sufficient information to the Council's agreement in this regard:

Policy R15: The Location of Hot Food Takeaways

Applications for hot food takeaways, **including those which involve the relaxation of opening hours**, will be permitted where:

a) They are located within the urban boundaries of Barrow or Dalton or are within a Development Cordon identified in Policy H4;

b) The applicant submits evidence to the Council's agreement to demonstrate that there will be no adverse impact upon the local environment and residential amenities by reason of noise, odour, litter, waste disposal, traffic and parking;

I shall be pleased to advise on any crime prevention issues arising from this application and the NPT expresses its support to the application process:

8.8.21 The Council has sought a joined up approach in dealing with takeaway premises, recognising that by working closely with the police and the licencing authority there is greater opportunity to address existing problems and prevent further problems arising."

24/11/2021

Cumbria County Council (Highways & LLFA)

"As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct."

17/12/2021

Cumbria County Council (Highways)

"I have reviewed the application and taken into account: the nature of the proposal, other businesses on Crellin Street and immediate environs, the waiting restrictions and road safety record (reported incidents in last 5 years). I have concluded that the nature of a hot food takeaway at this location is in character with the overall area (consisting of many retail outlets, food takeaways, pubs etc). I imagine most of the custom will be by pedestrians (backed up by the Transport Form), there will obviously be added trips, mostly bypass or small diverted trips (even from adjacent similar establishments) but very few new or additional trips.

The customers coming by car / moped etc for collection , may be tempted to park on street but the roads in the vicinity are very tightly controlled with waiting restrictions so any short-term parking outside the marked bays will be illegal, but I recognise that many will still park-up / wait on double yellow / single yellow lines. This in itself may cause temporary inconvenience and increase road safety risk slightly at times, but as Crellin Street is one-way, loading and indiscriminate parking on the north side of the road will not actually cause a long-term issue. So in summary due to the small scale of the operation (i.e. it is not a KFC or McDonalds) and thus new trips, at the busiest times there will be a small impact on the free flow of traffic and small increase in road safety attributed to an increase in road crossing movements etc , but this cannot be described as unacceptable or severe. Therefore the LHA would have no objection."

10/2/2022

Public Protection (Environmental)

"I have reviewed the plans and I have no issues with the layout or specification. I would have incorporated two systems into one to save money but the proposed fans are fit for their intended use. There is a slight risk that the fan located away from the window is lower than the main structure eaves despite being above the out rigger as standard, this could effectively cause downdraft and bring fumes back down into the yard under specific meteorological conditions. However I cannot see this as a reason to decline permission.

Any permission will need the standard noise condition on as per detail below:

Noise from the development must not exceed Noise Rating Curve NR 30 in daytime hours (0700 - 2300) and NR 25 in night time hours (2300 - 0700) in any noise sensitive property".

Officers Report

1.Site and Locality

1.1 The host property is a mid terrace two storey dwelling which currently benefits from a ground floor shop and flat above. It is under the same ownership as 49 and 51 Crellin Street which benefits from a flat upstairs across both 49 and 51. The locality of the site is characterised by a mix of retail, hairdressers/barbers and hot food premises. It is set within the Barrow Town Centre as identified in the Local Plan and approximately 35m away from the Primary Shopping Area. To the rear of the site is designated as a residential protection area with a shared back street which also serves the residential properties on Hall Street.

2.Proposal Details

2.1 Change of use from retail (Class E) to hot food takeaway (Sui Generis) and installation of extraction fan and ducting system on rear elevation and associated external alterations (and part ducting to rear of 49 Crellin Street).

2.2 The proposed development involves the conversion of the ground floor of the property to a hot food takeaway. Extraction equipment is shown on the plans along with details of separation between the commercial and residential area of the site in terms of sound proofing. The proposed extraction equipment will serve both 47 and 49 Crellin Street with a combined system. The application site incorporates the rear wall and yard of 49 Crellin Street.

2.3 The proposed opening hours are 1200 to 0300 Monday to Saturday with midnight closing on Sundays. The proposed use is stated as creating employment for the equivalent of 3 full time employees (FTE). There are no changes to the shop frontage and the existing flat entrance on Crellin Street is to be utilised.

3. Relevant History

3.1 1990/0107 45 Crellin Street, Barrow-in-Furness - Two storey rear extension to accommodate re-located staircase for retail premises Approved 08/03/1990

3.2 75/1999/0665 49 Crellin Street Barrow-in-Furness -Change of use from sandwich bar (A1) to cafe (A3). Appcond 12/11/1999

3.3 B20/2008/0208 49 Crellin Street Barrow-in-Furness - Change of use from cafe (A3) to a hot food takeaway (A5) Appcond 09/04/2008

3.4 B22/2009/1051 49 Crellin Street Barrow-in-Furness - Advertisement Consent to display 1 No. projecting internally illuminated box sign situated on front elevation between existing first floor windows. Refused 06-AUG-2009

4. Officer Assessment

4.1 The key considerations for this proposal are the impact from the change of use when compared to the existing lawful use of the site. Part of this analysis involves taking account of expanded uses now permitted under Use Class E along with impact on residential amenity. This "fallback" position has been recognised by the Planning Inspectorate as pertinent when determining appeals and is thus a valid Material consideration.

Principle of Development

4.2 Hot Food Takeaway

4.3 The lawful use of the site falls within the category of Class E which is now a broad use class introduced in September 2020. This merged several use classes and the current use would allow the following to operate from the premises without the need for planning permission:

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

4.4 Particularly relevant to this application is the E(b) category which permits the change to a restaurant without the need for a change of use. This appears to be what has taken place at 45 Crellin Street which was a former retail shop and now appears to be operating as 'Smilers'. Currently, under a temporary allowance in the General Permitted Development Order, restaurants can also operate as a hot food takeaway until March 2022. This was introduced as a temporary measure during the pandemic.

4.5 In terms of impact from the food sold, full hot food provision can be provided in a restaurant setting. Whilst the number of tables available naturally provides some control over numbers, a takeaway element could also be provided which would potentially have a similar impact to a change of use to a full hot food takeaway.

4.6 Since the pandemic, there has been more demand for takeaway food, leading to an increase in outlets. Legislative changes mean that many restaurants are now offering delivery services for longer hours which is a scenario that could operate now from the site without the need for permission.

4.7 The difference which triggered the need for this application is the type of food sold to be consumed **off** the premises which is subject to a separate use class: '*sui generis*'. The potential additional impacts from this change relates mainly to odour, due to the cooking methods for hot food which require extraction equipment, increased foot fall and litter. As the cooking processes have the potential to generate more smells, the extraction details are an important part of the details submitted. They also have the potential to be noisy if not adequately maintained. Full details have been provided by the agent of both the system requirements, which are sited immediately above the cooking areas and extract to above eaves level, together with the programme of maintenance. No objection has been raised by officers in Public Protection. It is also relevant to note that Environmental Health legislation exists to ensure businesses operate effectively in terms of noise, odour and nuisance. Taking account of the extraction details provided and the existing use, any impact is considered to be fairly similar to that which could occur from the existing use. The installation of extraction equipment should be sufficient to mitigate odour from the property in a manner that does not cause nuisance.

4.8 It is relevant to note that there is already established foot fall and trade within the area of the site given its town centre location and the existing business along with businesses trading nearby. The proposed level of activity generated will not necessarily be significantly different from that which could be generated under the current authorised use or an alternative use under the September 2020 changes to the Use Classes Order.

Nearby Uses/Planning History

4.9 On this particular terraced block there are four properties which are currently trading as a hot food takeaway, these being 43 and 49 Crellin Street, which have opening limited until midnight under their planning consent, and #51 which appears to have no restriction on opening hours. 45 Crellin Street is currently trading under temporary permitted development rights and whilst it currently has no restriction on opening hours, it will be required to apply for planning permission should the use wish to continue beyond March 2022, and at such time, the controls over opening hours can be considered.

4.10 In addition to this, members will recall granting a recent permission for 39 Crellin Street which limited opening hours until midnight. This premises has yet to begin trading.

Relevant Policies and Guidance

4.11 The National Planning Policy Framework (2021)(NPPF) under paragraph 11 outlines the presumption in favour of sustainable development, it states: *"For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay"*.

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

4.13 Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth.

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

Local Plan Policy

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

4.16 Particularly relevant to this proposal are policies R15 and R16 which directly relate to hot food takeaways and R18 which designates areas for residential protection. Immediately to the rear of the site, Hall Street is designated as such an area. This policy specifically relates to conversion from residential to commercial uses within these areas. R15 sets criteria for which applications for hot food takeaways should be assessed in terms of location and R16 relates specifically to opening hours. Taking these in turn:

Policy R15: The Location of Hot Food Takeaways

4.17 Applications for hot food takeaways, including those which involve the relaxation of opening hours, will be permitted where:

a) They are located within the urban boundaries of Barrow or Dalton or are within a Development Cordon identified in Policy H4;

4.18 The site is within the urban boundary of Barrow.

b) The applicant submits evidence to the Council's agreement to demonstrate that there will be no adverse impact upon the local environment and residential amenities by reason of noise, odour, litter, waste disposal, traffic and parking; and

4.19 When considering the impact on the local environment it is relevant to take into account the lawful use of the site. This already generates a level of pedestrian and vehicular traffic with resulting parking requirements. Detailed updated information has been provided by the agent which shows the proposed extraction equipment is to the satisfaction of colleagues in Public Protection. Relevant conditions in terms of noise and odour can be attached to the permission which should be sufficient to ensure that there is no adverse impact.

4.20 Waste disposal bins for the site are to be located within the rear yard at my request. This has been illustrated on the drawings and the site edged red adjusted to include access. It can be conditioned accordingly to ensure they are stored within the yard area. This should be sufficient to ensure there is no adverse impact on the area from litter and waste disposal.

4.21 A representation has been received from Cumbria Highways in terms of traffic and parking, raising no objection to the proposal. There should therefore not be any adverse impact on traffic and parking from the proposal.

c) Full details are submitted at application stage of any extraction equipment in order that the visual implications can be fully assessed. This is of particular importance if any heritage assets or their setting are affected which may require additional detail.

4.22 Full details have been provided. They are positioned to the rear of the property and are not visible within the wider street scene.

4.23 Grease traps will be required where necessary.

4.24 These are specified as part of the application details.

Policy R16: Opening Hours of Hot Food Takeaways

4.25 When considering appropriate hours of operation for hot food takeaways, regard will be had to:

1. **The existence of an established evening economy in the area.**

4.26 The site is set within the town centre and as such there is an established evening economy in the area with public houses and social clubs nearby. Within the same block as the application site there are four properties operating as hot food takeaways with limited opening hours under Planning.

b. The character and function of the immediate area;

4.27 The character and function of the immediate area is mixed in nature with residential properties set adjacent to commercial properties.

c. The potential benefits of the proposal for the wider community; and

4.28 The potential benefit for the wider community would be a greater range of choice in takeaway outlets.

d. Impact on residential amenity.

4.29 There are two aspects to consider in relation to this: The amenity of the occupiers of the first floor flat and adjacent/nearby residential properties. At my request, the agent has provided details of soundproofing between the ground floor and first floor flat. The revised plans submitted now show the extraction equipment set away from the window of the first floor flat. The proposed soundproofing should be sufficient to protect adjacent residential properties from undue noise.

4.30 Following a suggestion by colleagues in Public Protection, as the neighbouring property is in the same ownership, a combined extraction system is proposed to incorporate extraction from both 47 and 49 Crellin Street. The site edged red reflects the new arrangement. This combined system will facilitate the removal of the an existing extraction flue which obscures a rear window in the neighbouring flat. This will improve amenity to the neighbouring flat.

4.31 In terms of impact on residential amenity of nearby neighbouring properties, it is important to note the context of the locality of the site. It is set within the town centre on a mixed use street which already experiences a level of comings and goings.

4.32 In terms of noise created by both users and operators of the takeaway and associated equipment, this will be controlled by a noise condition as suggested by our colleagues in Public Protection. Similarly, the potential for cooking smells will be dealt with by suitable extraction equipment. The current authorised use of the site has the potential to introduce many of the aspects which could lead to the concerns raised without the control of the Planning Authority under Class E as detailed above. As well as the conditions suggested, there are provisions under the Public Protection legislation to address impacts from noise and odour.

4.33 The opening hours proposed by the applicant state they wish to open until 0300 hours Monday to Saturday, Sunday and Bank Holidays until Midnight. It is considered reasonable to require a closing time of midnight in line with the other approved takeaway on the same row of properties. This can be conditioned accordingly.

4.34 Policy R18 makes specific reference to residential protection areas, one of which is set behind the application site separated by a back street. This policy seeks to protect conversions within the areas. Whilst it is relevant that the area behind is designated, given the detailed information provided by the applicant, if the proposed equipment is installed and maintained correctly then this should be sufficient to minimise any potential additional impact on nearby residents.

Economic Development

4.35 The proposed use is estimated to create 3 FTE jobs compared to the 0 FTE on site currently. National planning policy places significant weight on the need to support economic growth and this is to be welcomed.

Recent Issues with the Back Street

4.36 Within the back street to the rear of the property are some commercial bins and there has been evidence of overfilled bins and scattered waste in the recent past. Following discussions with colleagues in Streetcare, the back street is now scheduled for frequent cleaning and they are also working with the existing traders to ensure that waste bins are emptied frequently under the Environmental Protection legislation. This together with the recent requirement of both this application and 39 Crellin Street to store the bins within the rear yard should ensure that there is minimal additional impact from this proposal.

Representations

4.37 A representation has been received from a nearby property which is summarised above. The issues raised have been investigated. Amended plans were received showing a correct representation of the rear yard and concerns over the back street have also been addressed as detailed above. Colleagues in Building Control will deal with matters required under the Building Regulations.

4.38 A representation has also been received from the Police in relation to the proposal. This makes reference to aspects of the proposed use from other outlets are having an adverse effect on the community in terms of parking and delivery drivers. However, colleagues in Cumbria Highways have raised no objection to the scheme. This response is also detailed above. Within the local plan paragraph 8.8.21 makes reference to the Council seeking a joined up approach in dealing with takeaway premises, recognising that by working closely with the police and licensing authority there is greater opportunity to address existing problems and prevent further problems arising. As part of the considerations for this application consultation has been undertaken with both the police, licensing, highways and Streetcare. No objections have been received. Each of these functions has their own legislation under which matters can be addressed if needed. The function of the Planning system is not to replicate matters which are dealt with already under separate legislation.

Cumulative Impact

4.39 Members will be aware that this application brings the number of hot food takeaways to 6 on this section of Crellin Street. Within local plan policy there is nothing to prevent the cumulative impact being a barrier to further applications being approved. A similar situation exists on Cavendish Street. When balancing the National Policy (NPPF paragraph 81) placing of significant weight on economic development, the creation of 3 FTE jobs is a key matter. Currently, due to the pandemic hot food takeaways have become increasingly popular, hence the increase in applications. This taken together with the changes to the use classifications encouraging more diverse potential uses of retail premises, effectively tips the balance in favour of applications for hot food takeaways that accord with local plan policy being more likely to be approved.

5.Conclusions

5.1 The proposed change of use and submitted details are considered to have a modest impact on the locality of the site whilst creating 3 full time equivalent jobs. Clear consideration has been given to effective extraction and waste disposal to minimise any potential impacts from the proposal on the nearby residents. The impact from the proposed use is likely to be similar in nature to the existing lawful use, taking account of national changes to the use classes order in September 2020 and on balance the proposal is considered to be acceptable.

6.Recommendation

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

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 25.2.22 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

FDS0478 No.1 rev.C

FDS0478 No 2 rev.F

FDS0478 No.3 rev.E

FDS0478 No.4 rev.B

Fercell Duct Systems Ducts, Pressed Bends, Segment Bends, Jet caps - galvanised

Fercell Fan Systems Duct Silencers

Application Form dated 12.11.21

Reason

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

Operational Conditions

3. Noise from the development must not exceed Noise Rating Curve NR 30 in daytime hours (0700 - 2300) and NR 25 in night time hours (2300 - 0700) in any noise sensitive property.

Reason

In order to protect the residential amenities of the area.

4. Noise from the development, including noise from the extraction equipment required in the above condition, must not cause the existing background noise level (measured as the LA90(10 minutes) to be exceeded at any neighbouring noise sensitive locations. Any tonal noise produced by the development would result in a 5dB addition to the particular noise level (Definition in: Appendix E "Noise Procedure Specification, Publication 140", The Engineering Equipment and Materials User Association). [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]

Reason

In order to protect the residential amenities of the area.

5. Emissions from any proposed or future cooking processes must be extracted through a properly designed and constructed exhaust ventilation system, adequately filtered and discharged at sufficient height and velocity to prevent cooking odours being observed at any neighbouring properties. The exhaust gas flow must not be restricted by any plate, cowl or similar structure at the outlet which might affect dispersion. The system must thereafter be retained as approved unless the Planning Authority gives prior written approval to any variations and operated and maintained in accordance with the manufacturer's instructions.

Reason

In the interests of the amenities of the surrounding area, including occupants of neighbouring properties, by minimising the potential for the discharging of cooking odours.

6. The refuse bins for the use hereby approved shall be stored within the rear of the premises as shown on plan: FDS0478 No. 2 Rev. F

Reason

In order to protect the residential amenities of the area.

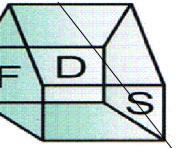
7. The use hereby permitted shall not operate between the hours of Midnight and 0600 the following day.

Reason

In order to protect the residential amenities of the area.

Informative

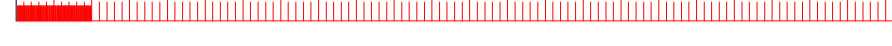
- J Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out
 - J This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.
 - J Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
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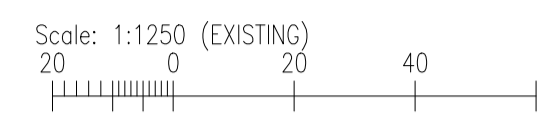
Partners David Poole & Deborah Robinson
 LOCATION: 47 Crellin Street, Barrow in Furness, Cumbria LA14 1DS
 DWG. TYPE: EXISTING AND PROPOSED OS SITE PLANS
 DESCRIPTION: Change of use from a retail shop to a Pizza takeaway

SCALE: 1:1250 and 1:500 DWG REF: FDS0478 No.: 1 REV: C DATE: 25/02/2022

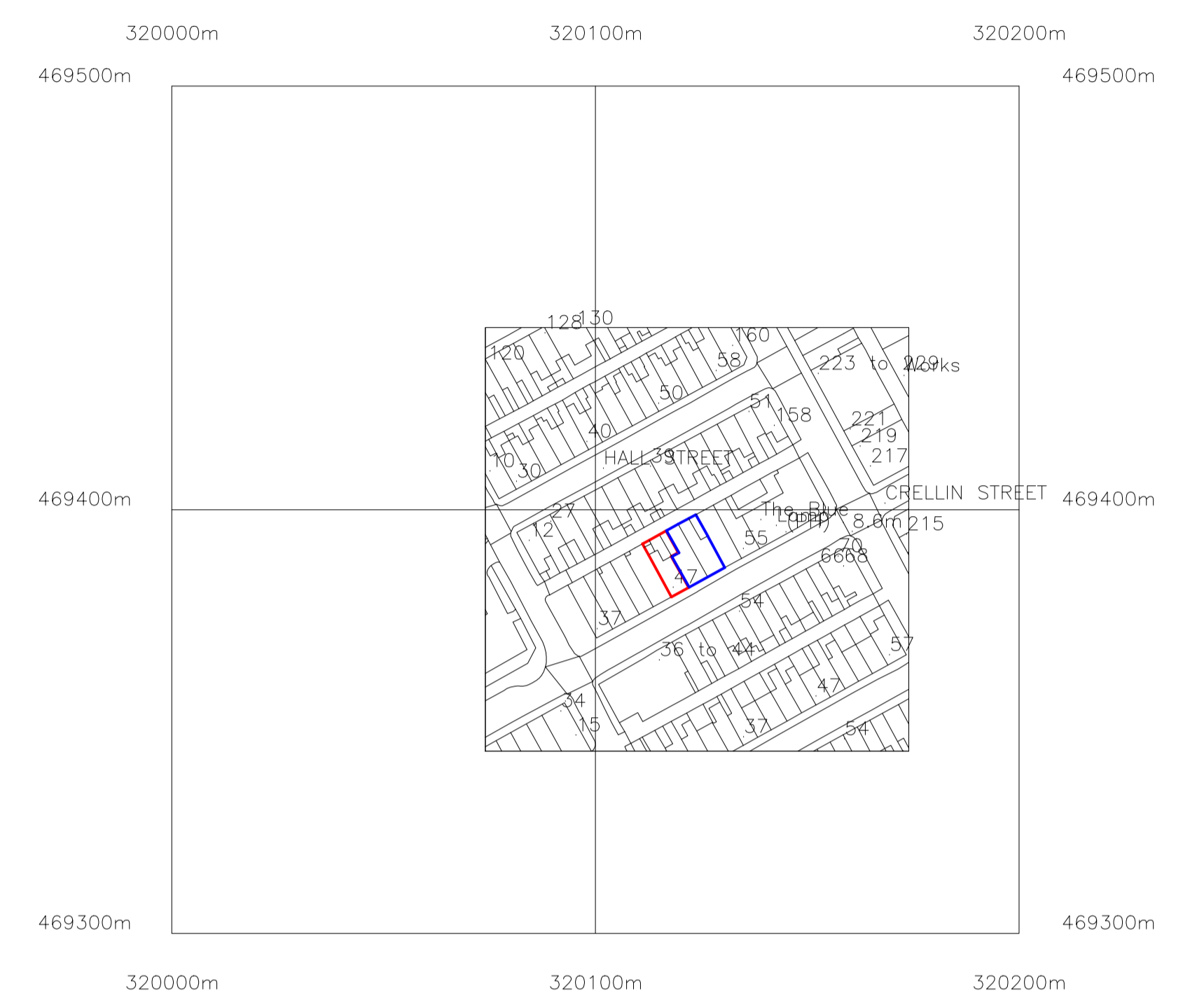
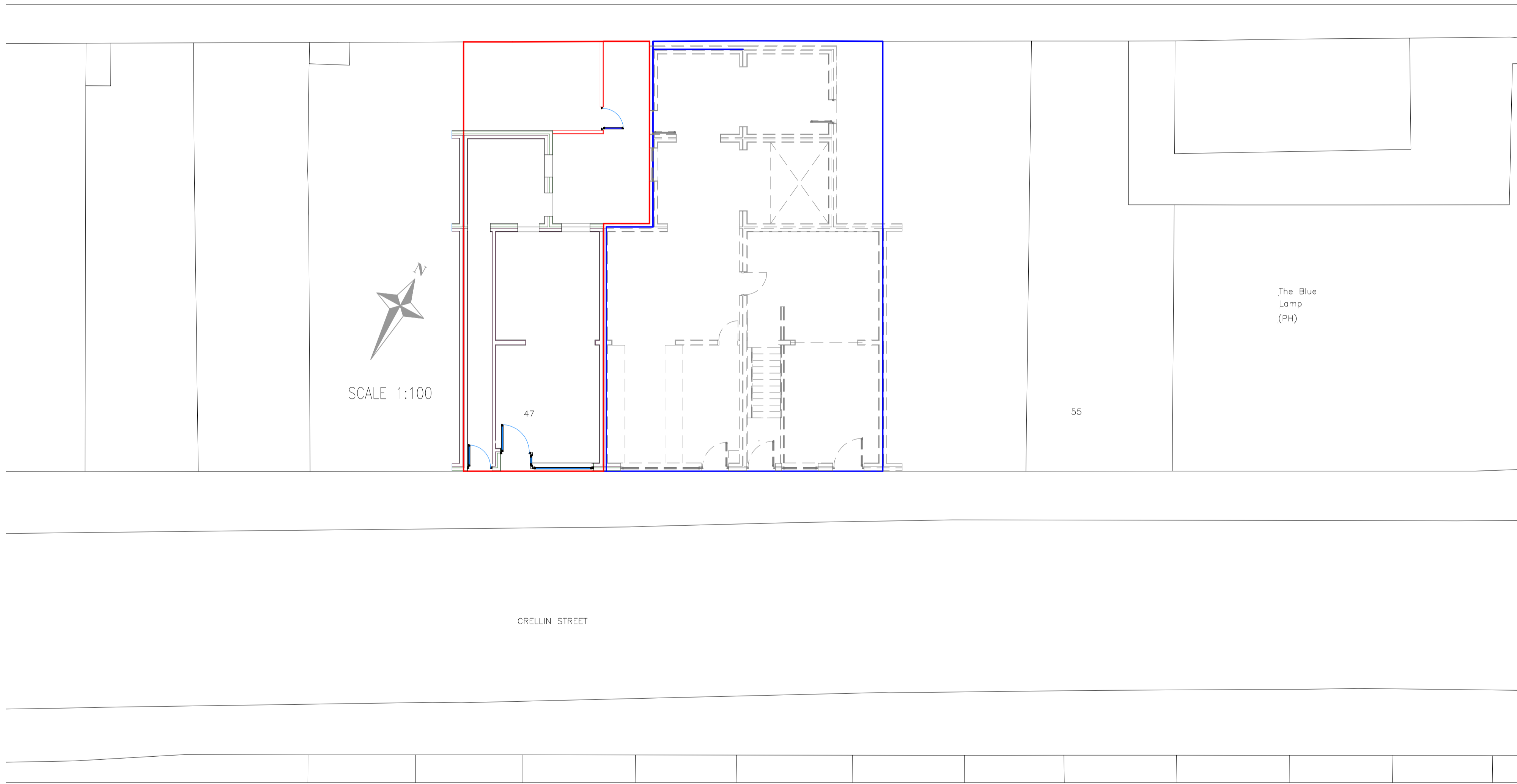
Drawn for: [Redacted] If not on original copy on A2 paper then do not scale this drawing all dimensions to be checked on site.



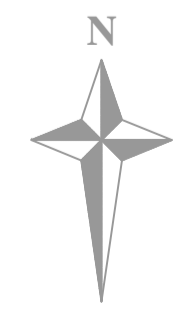
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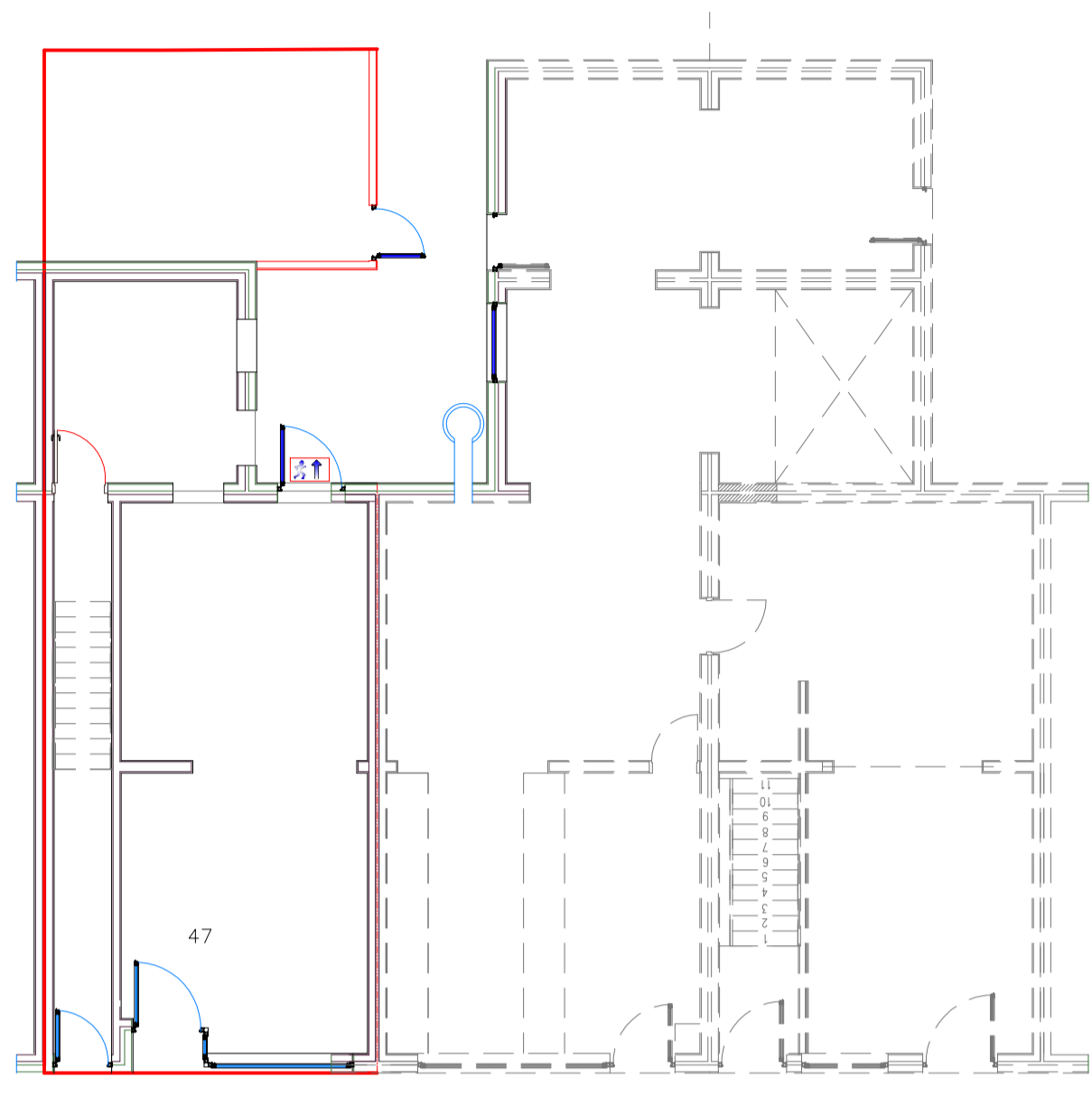


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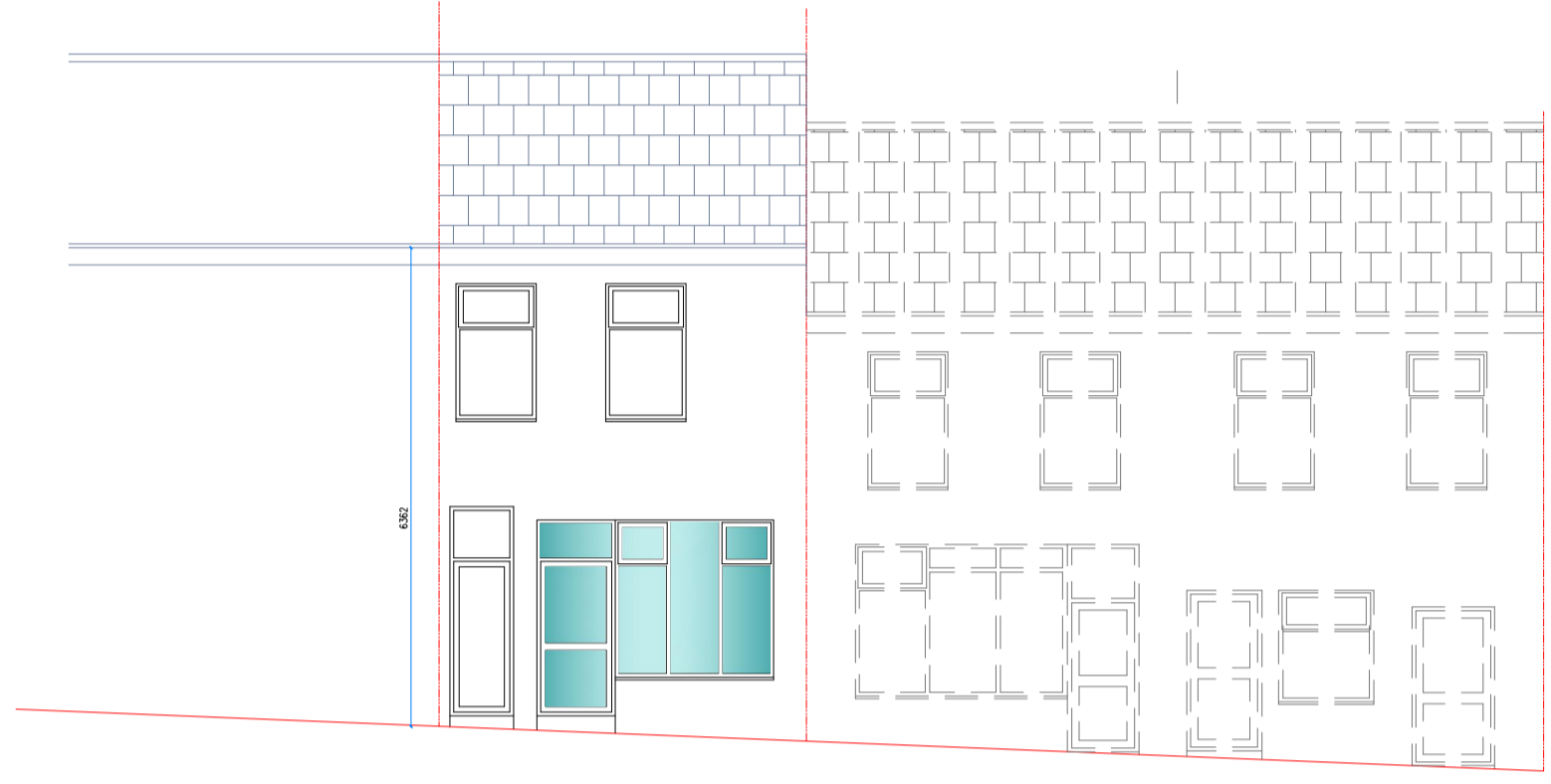


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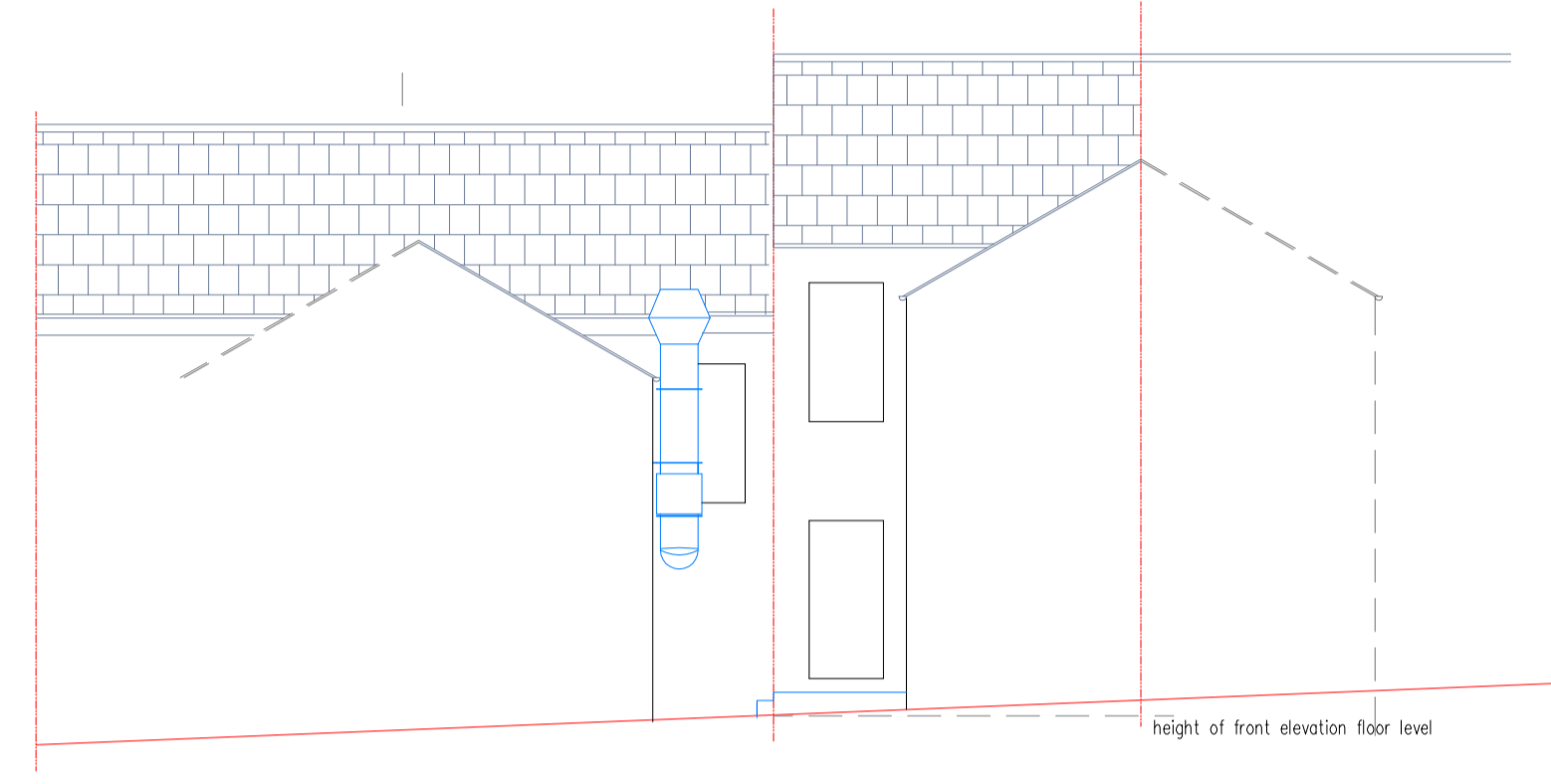
EXISTING



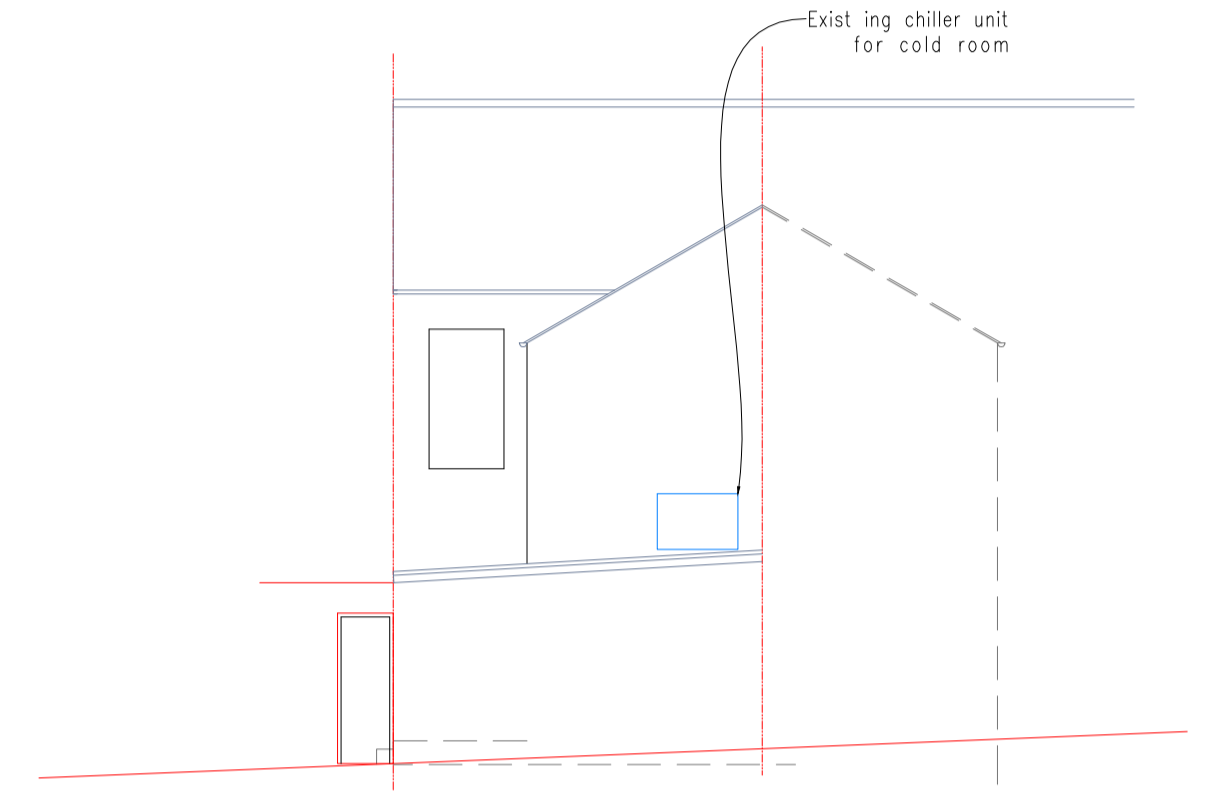
GROUND FLOOR PLAN VIEW



FRONT ELEVATION



REAR ELEVATION

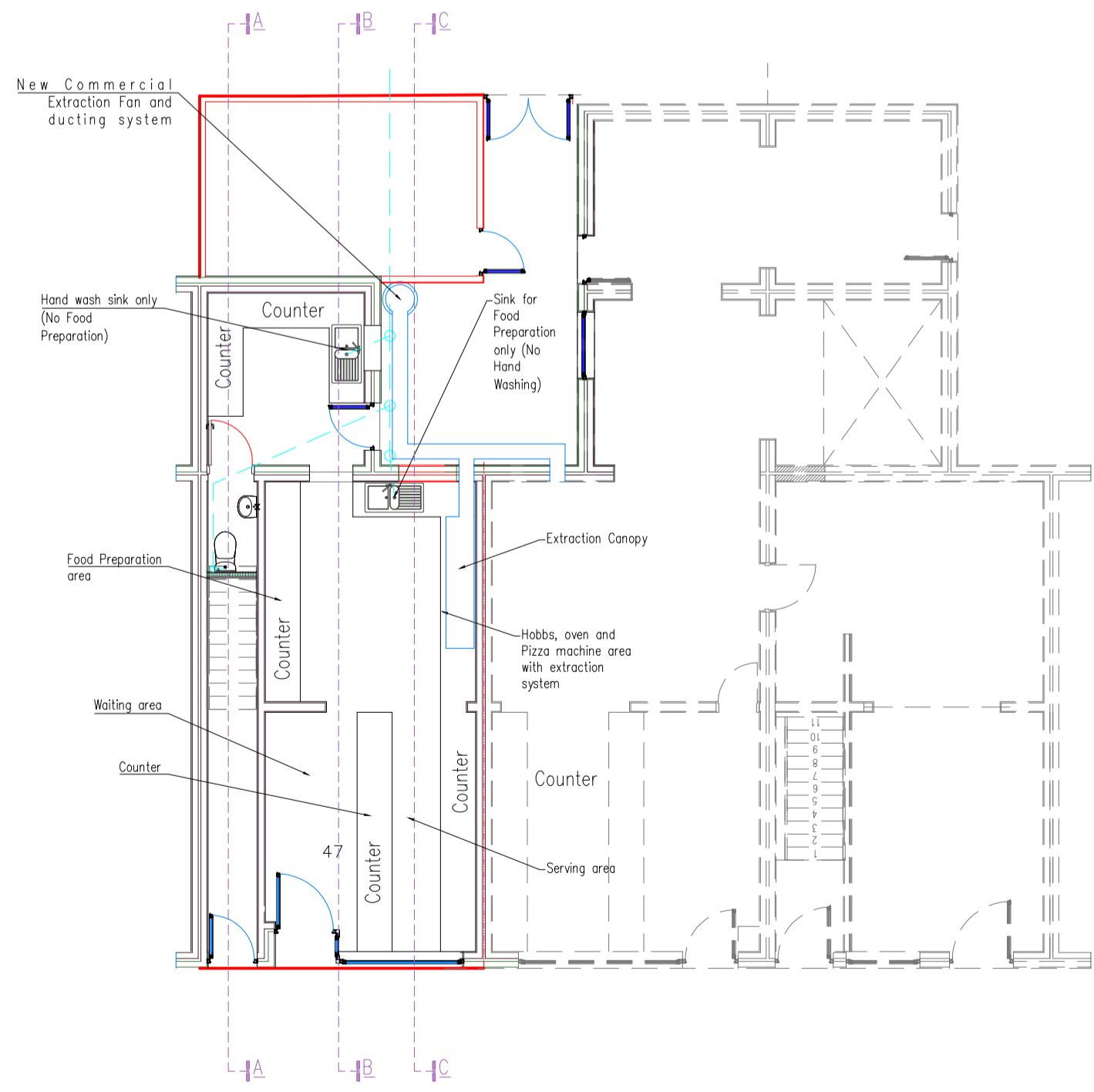


REAR ELEVATION (with existing freezer room shown above boundary wall)

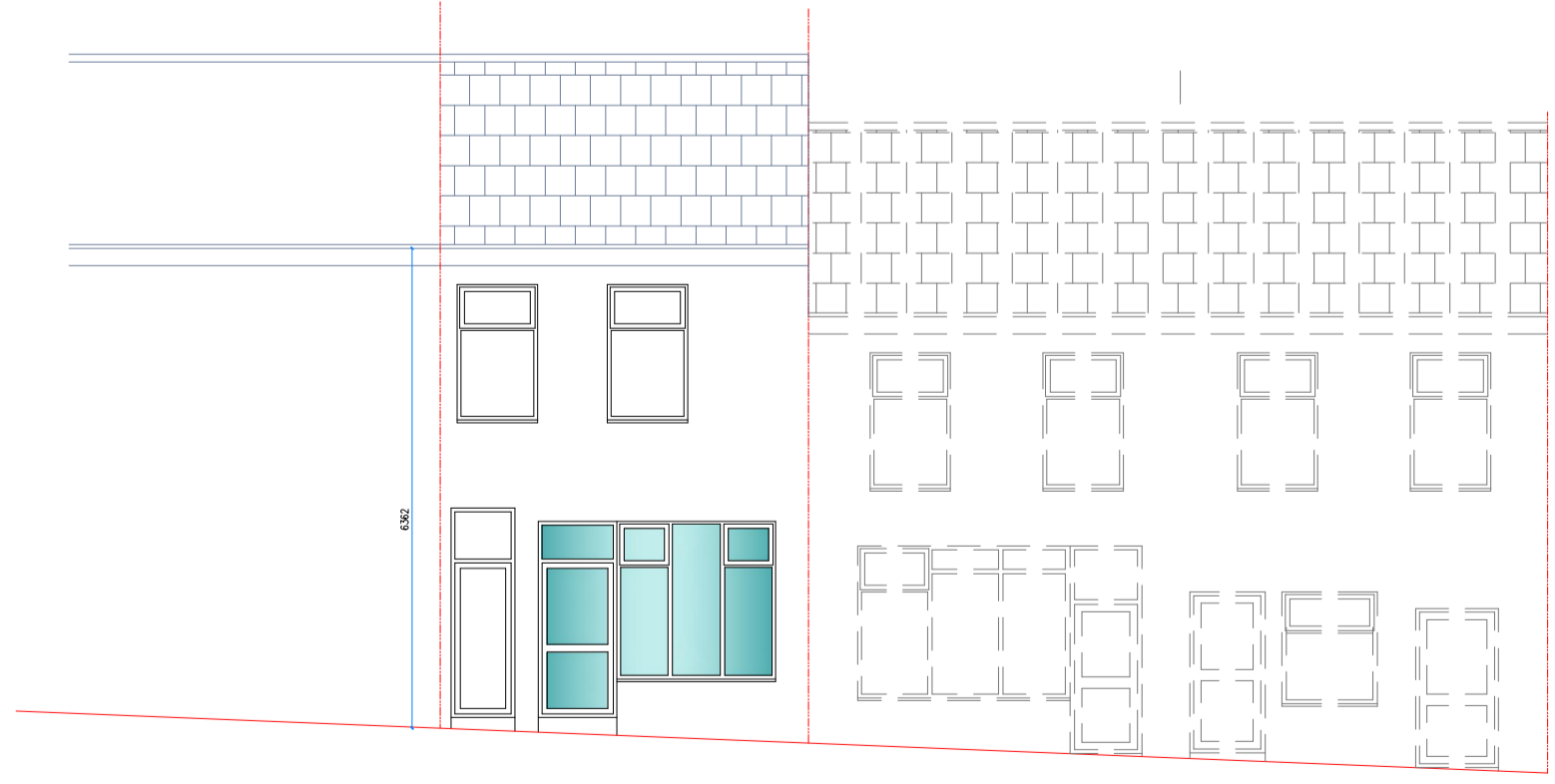
PROPOSED

HATCHING KEY

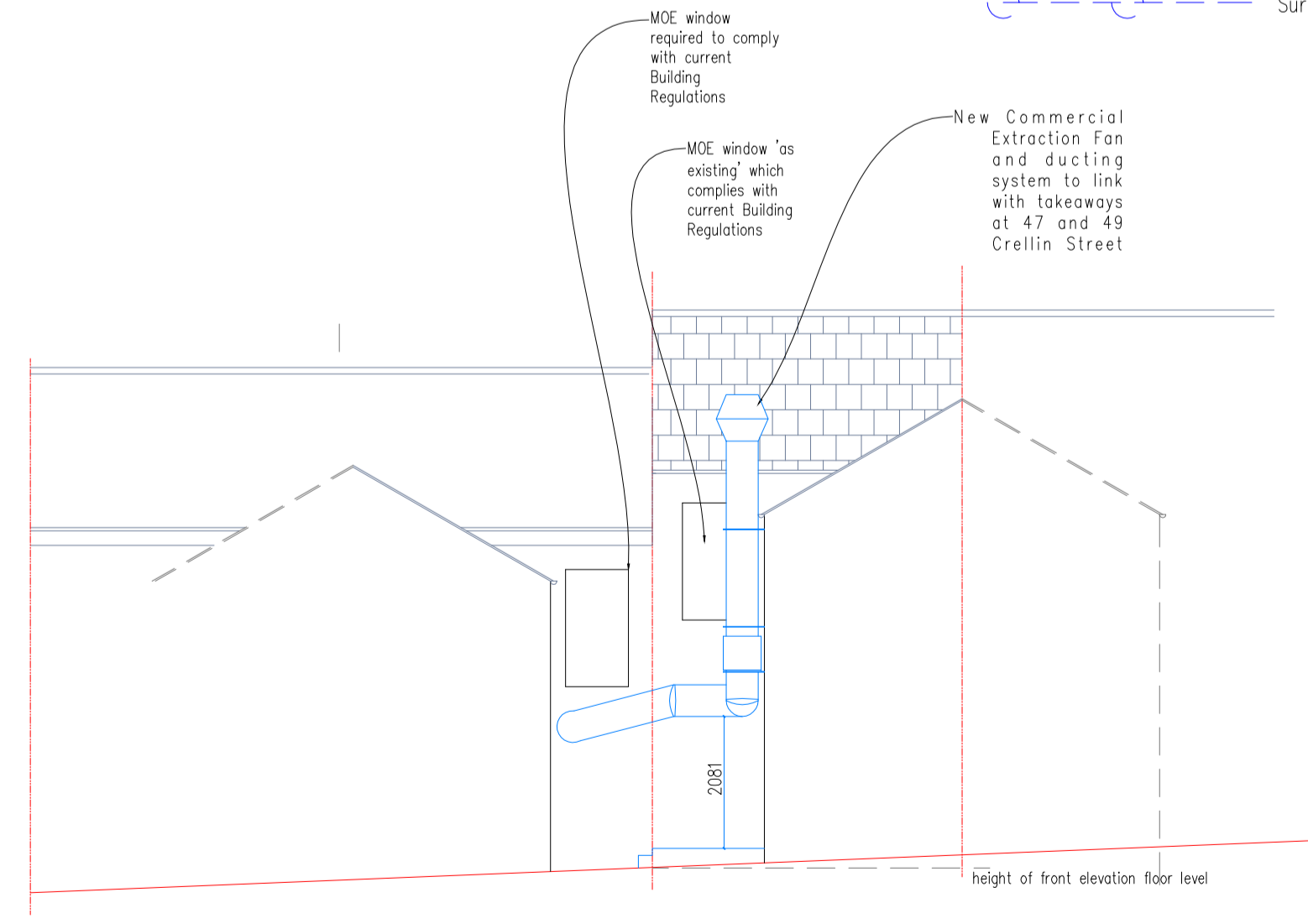
- Existing exterior and foundation walls
- Existing interior walls
- Proposed walls
- Roof covering to elevations
- Foul water drains and IC's
- Surface water drains and IC's



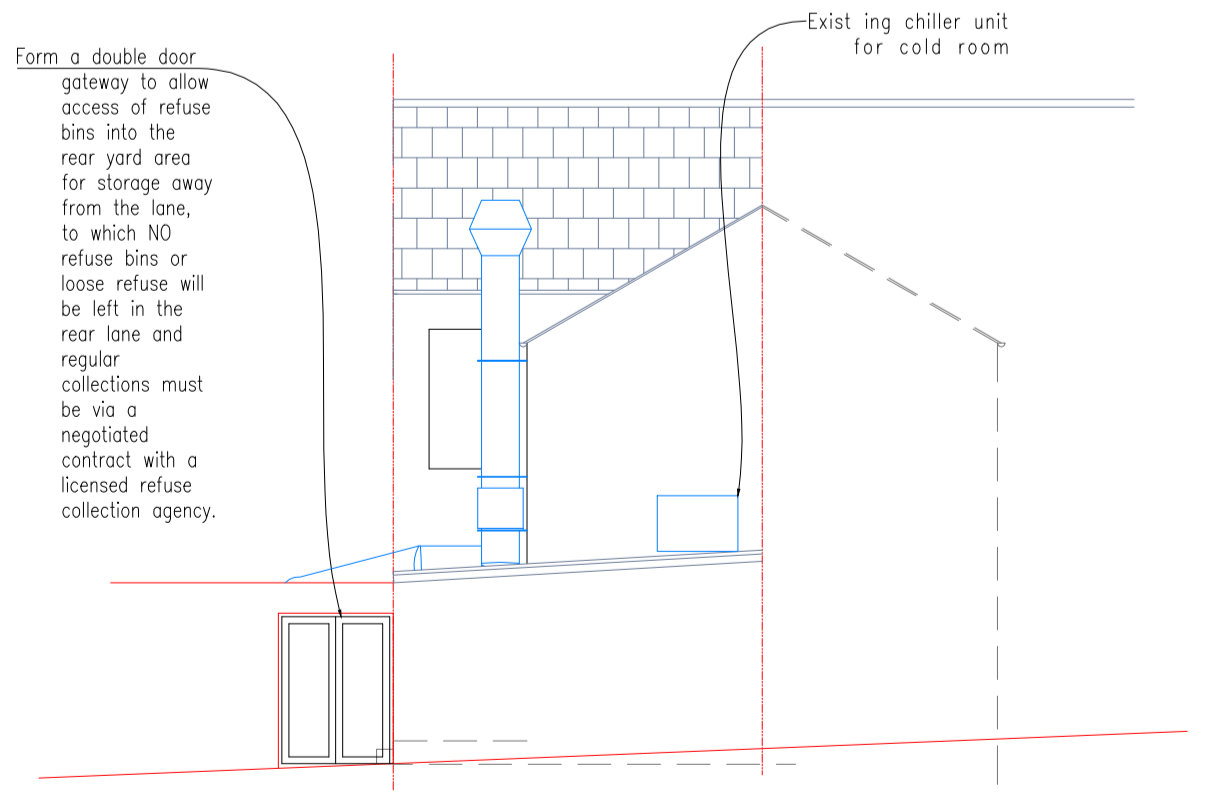
GROUND FLOOR PLAN VIEW



FRONT ELEVATION



REAR ELEVATION



REAR ELEVATION (with existing freezer room shown above boundary wall)

APPENDICES OF POLICIES

NPPF 011 National Planning Policy Framework 2021

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

For plan-making this means that:

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

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

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

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

For decision-taking this means:

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

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

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

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

NPPF 081 National Planning Policy Framework 2021

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and

address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

NPPF 130 National Planning Policy Framework 2021

Planning policies and decisions should ensure that developments:

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

Policy DS1 - Council's commitment to sustainable development Barrow Borough Local Plan 2016-2031

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

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

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

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

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

Policy DS2 - Sustainable Development Criteria Barrow Borough Local Plan 2016-2031

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

- a) Ensuring that proposed development incorporates green infrastructure designed and integrated to enable accessibility by walking, cycling and public transport for main travel purposes, particularly from areas of employment and retail, leisure and education facilities;
- b) Ensuring development does not prejudice road safety or increase congestion at junctions that are identified by the Local Highway Authority as being over-capacity;
- c) Ensuring access to necessary services, facilities and infrastructure and ensuring that proposed development takes into account the capacity of existing or planned utilities infrastructure;
- d) Ensuring that the health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development including from associated traffic are within acceptable levels;
- e) Respecting the residential amenity of existing and committed dwellings, particularly privacy, security and natural light;
- f) Protecting the health, safety or amenity of occupants or users of the proposed development;
- g) Contributing to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets;
- h) Contributing to the enhancement of biodiversity and geodiversity;
- i) Ensuring that construction and demolition materials are re-used on the site if possible;

- j) Avoiding adverse impact on mineral extraction and agricultural production;
- k) Ensuring that proposals incorporate energy and water efficiency measures (in accordance with the relevant Building Regulations), the use of sustainable drainage systems where appropriate and steers development away from areas of flood risk;
- l) Ensuring that any proposed development conserves and enhances the historic environment including heritage assets and their settings; and
- m) Development must comply with Policy DS3.

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

Policy DS5 - Design Barrow Borough Local Plan 2016-2031

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

- a) Integrate with and where possible conserve and enhance the character of the adjoining natural environment, taking into account relevant Supplementary Planning Documents;
- b) Conserve and enhance the historic environment, including heritage assets and their setting;
- c) Make the most effective and efficient use of the site and any existing buildings upon it;
- d) Create clearly distinguishable, well defined and designed public and private spaces that are attractive, accessible, coherent and safe and provide a stimulating environment;
- e) Allow permeability and ease of movement within the site and with surrounding areas, placing the needs of pedestrians, cyclists and public transport above those of the motorist, depending on the nature and function of the uses proposed;
- f) Create a place that is easy to find your way around with routes defined by a well-structured building layout;
- g) Prioritise building and landscape form over parking and roads, so that vehicular requirements do not dominate the sites appearance and character;

- h) Exhibit design quality using design cues and materials appropriate to the area, locally sourced wherever possible;
- i) Respect the distinctive character of the local landscape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, habitats and skylines. Where no discernible or positive character exists, creating a meaningful hierarchy of space that combines to create a sense of place;
- j) Create layouts that are inclusive and promote health, well-being, community cohesion and public safety;
- k) Incorporate public art where this is appropriate to the project and where it can contribute to design objectives;
- l) Ensure that development is both accessible and usable by different age groups and people with disabilities;
- m) Integrate Sustainable Drainage Systems of an appropriate form and scale;
- n) Mitigate against the impacts of climate change by the incorporation of energy and water efficiency measures (in accordance with the Building Regulations), the orientation of new buildings, and use of recyclable materials in construction; and
- o) Ensuring that new development avoids creating nesting sites for gulls e.g. through the provision of appropriate roof pitches.

Policy R15 - The location of hot food takeaways Barrow Borough Local Plan 2016-2031

Applications for hot food takeaways, including those which involve the relaxation of opening hours, will be permitted where:

- a) They are located within the urban boundaries of Barrow or Dalton or are within a Development Cordon identified in Policy H4;
- b) The applicant submits evidence to the Council's agreement to demonstrate that there will be no adverse impact upon the local environment and residential amenities by reason of noise, odour, litter, waste disposal, traffic and parking; and
- c) Full details are submitted at application stage of any extraction equipment in order that the visual implications can be fully assessed. This is of particular importance if any heritage assets or their setting are affected which may require additional detail.

Grease traps will be required where necessary.

Policy R16 - Opening hours of hot food takeaways Barrow Borough Local Plan 2016-2031

When considering appropriate hours of operation for hot food takeaways, regard will be had to:

- a) The existence of an established evening economy in the area;
- b) The character and function of the immediate area;
- c) The potential benefits of the proposal for the wider community; and
- d) Impact on residential amenity.

Policy R17 - Conversion of upper floors to residential units within the town centre Barrow Borough Local Plan 2016-2031

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

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

Policy R18 - Residential Protection Areas Barrow Borough Local Plan 2016-2031

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

Policy R2 - Barrow Town Centre Barrow Borough Local Plan 2016-2031

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