

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2065/0F1
2.	<b>Proposed Development:</b>	RESURFACING OF TARMAC AND INSTALLATION OF FENCE (RETROSPECTIVE)
3.	<b>Location:</b>	THORNHILL SOCIAL CLUB, THE CRESCENT, THORNHILL
4.	<b>Parish:</b>	Beckermest with Thornhill
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts</p> <p>Coal - Off Coalfield - Data Subject To Change</p> <p>DEPZ Zone - DEPZ Zone</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	<b>Publicity Representations &amp;Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p><b>Site and Location:</b></p> <p>This application relates to Thornhill Social Club, a detached commercial property located on The Crescent, Thornhill. The site is located within a mixed-use area with recreational play park and post office opposite and a wider residential area beyond.</p> <p>The site is bound by The Crescent to the front, and residential properties to the side and rear. The site also benefits from parking to the front of the site and access to the building on the two side elevations.</p> <p><b>Proposal:</b></p> <p>Retrospective Planning Permission is sought for the resurfacing of tarmac to incorporate 2x</p>	

disabled ramps, and the installation of boundary treatment to provide an enclosed area for bin storage, disabled vehicles, buggies and bicycles.

The proposed works are predominantly located on the front elevation, with boundary treatment installed partially along the front and side to incorporate the small enclosed area.

The height of the boundary treatment varies between 118cm – 120cm in places due to the change in levels across the site. The resurfacing is of tarmac material, with a concrete panelled boundary treatment and wooden gate for access.

**Relevant planning application history:**

No planning application history that is relevant to this site or application.

**Consultation responses:**

Beckermeth with Thornhill Parish Council

No objections.

Highway Authority

No objections.

Local Lead Flood Authority

No objections.

Environmental Health

No objections.

Public representations

This application has been advertised by way of neighbour notification letters issued to 2 properties. 2 objections have been received as a result of this consultation process.

Objection responses include:

- Wall is too high and blocking access to junction
- Wall is going to cause an accident as visibility is reduced and potential danger to oncoming cars or knock down a pedestrian who is walking on the pavement. Who is to blame?
- If there is a function at the club cars will be parked all over the street and in front of



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driveways

- Concerns about the use of the fenced off area as a beer garden
- Music and noise will be disturbing and invade peace and quiet
- The tarmac that runs along the side of the club where the disabled access is as if you go around the back of the club this is the emergency exit in case of a fire for the bottom room. The tarmac has a big dip around the back and people will fall up this in case of a fire. Has the fire officer had a look at the fire escape since the tarmac has been put down?
- House sale fell through because of the development and will have to declare to new buyers that they have a problem with the club.
- Bins going around this side of the club won't fit through the gate access.
- Rubbish from bins will blow around, and flicking of cigarette stumps. More chance of rats.
- The wall built will encourage children to climb on the wall and bins like they used to.
- If the bins are brought around this side how will people evacuate the club from behind the club as this will be restricting a fire evacuation point.
- If people were to park their mobility scooters there they cannot use the toilet in the club as it is down about 8 steep steps in the club.
- Some parts of the ramp from the footpath to the car park is more than 75 mm over a 300 mm distance very steep if not ankle breaker.
- The fenced off area has taken 3 car parking spaces out.
- If all these were full with mobility scooters and bikes and bins there will be no room for anyone to use the emergency path route from the fire exits down the side of the building plus they have put a step in that route.

### **Planning Policies:**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan:**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the

sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### **Copeland Local Plan 2013-2028 (Adopted December 2013):**

#### *Core Strategy (CS):*

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy T1 – Improving Accessibility and Transport
- Policy SS4 – Community and Cultural Facilities and Services

#### *Development Management Policies (DMP):*

- Policy DM10 – Achieving Quality of Place
- Policy DM21 – Protecting Community Facilities
- Policy DM22 – Accessible Developments

### **Other Material Planning Considerations:**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

#### Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector

and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this application:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development
- Policy DS6PU: Design and Development Standards
- Policy SC5PU: Community and Cultural Facilities

### **Assessment:**

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity the potential impacts on the community facility provision, accessibility, and Highway Safety which are considered below.

#### Principle of Development

The proposed application relates to a Social Club within Thornhill. The application is retrospective and includes a resurfaced tarmac area to the front and side of the property to incorporate 2x disabled access ramps, with an enclosed storage area to the side for bins, cycles and wheelchairs/mobility aids and buggies.

Policy ST1 seeks to ensure that recreational opportunities for the Borough's residents and its visitors, are provided and enhanced whilst protecting existing provision and ensuring that future development meets appropriate standards subject to detailed criteria of design, quality and amenity, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable, and the extension satisfies Policies ST1 of the Local Plan and the NPPF guidance.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure development proposals are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The alterations that have already been carried out are appropriately located to the front and side of the property and are considered to be modest in scale in relation to the size of the site and given what is possible under current Permitted Development Regulations. The tarmac resurfacing to the front of the property has replaced the previous hardstanding which was used for vehicular parking.

The resurfacing and boundary treatment installed is located prominently to the front of the existing building and, whilst it isn't subservient to the main element, the proposal does not significantly affect the neighbouring properties due to its location. Similar style boundary fence panels are located to the rear of the Social Club and within the vicinity of this area.

Given that a means of enclosure can be installed up to 1m in height adjacent to a Highway without the benefit of Planning Permission under current Permitted Development Regulations, the design, scale and choice of materials involved are considered to be suitable for their use.

On balance, the proposal is considered to reflect the character and appearance of the existing dwelling and there it complies with Policies ST1, DM10 and the NPPF guidance.

### Residential Amenity

Policies DM10, ST1, ST2 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings. Whilst overlooking and overshadowing issues between the proposed extension and the neighbouring properties were considered, the alterations undertaken are modest in scale, not significantly out of character for the property and its surroundings and will be appropriately located within the site.

Concerns were received with regards to the use of the fenced off storage area being used as a beer garden in conjunction with the social club. Thornhill Social Club does have a premises licence under the Licensing Act 2003 which does not currently permit use of the outside area as a beer garden or to be used for licensable activity. The Social club would have to apply to the Councils Licensing team for a premises licence variation if they wished to do so, and potential effects on the community would then be considered by Environmental Health and



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The Police. The use of this area as a storage facility only can also be secured with the use of a planning condition.

Other concerns regarding noise/music keeping neighbours aware, cigarette stumps being flicked and rubbish blowing into neighbouring garden which will increase rats were considered as part of this application and Environmental Health were consulted. No objections were received as part of the consultation process.

Concerns regarding the loss of a house sale because of the development and requirement to declare to new buyers that they have a problem with the club is not considered to be a material planning consideration and therefore cannot be considered as part of this application.

Similarly, concerns regarding children climbing on the wall/bins is not a material planning consideration and cannot be considered as part of this application.

On this basis, the proposal will satisfy Policies DM10, ST1, ST2 and the NPPF guidance.

### Highway Safety & Accessibility

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards Section 9 of the NPPF promotes sustainable transport.

The tarmac resurfacing to the front of the property replaces the previous hardstanding which was used for vehicular parking.

Concerns were raised that the installation of the concrete panels has taken away 3 car parking spaces, and if there is a function at the club cars will be parked along the road, across the pavements and in front of driveways due to a reduction in parking provision.

Further concerns stated that the wall is going to cause an accident as visibility is restricted moving off driveway and potential danger to oncoming cars or knock down a pedestrian who is walking on the pavement.

Further concerns were submitted as part of the consultation period regarding falling during a fire due to the tarmac that runs along the side of the club where the disabled access is not being steep and having a big dip around the back. Similar concerns regarding evacuation from the club were also raised as this will be restricted by the bins being location near a fire evacuation point. The use of the toilet in the club due to the steepness of the steps were also submitted as concerns

The proposal will also provide two new disabled access ramps to the Social Club. It is therefore considered that the proposal will create an inclusive and accessible Social Club for

use by all. The additional disabled access that has been incorporated to the side of the Social Club has made the Social Club more accessible.

In addition, consultation with the Highways Authority and LLFA raised no objections to the retrospective development in terms of highway safety and flood risk as it is considered that the works will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere. Based on these comments, it is considered that the development would be acceptable in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Issues that fall to be considered and controlled under separate legislation such as the Building Regulations, fire precautions and matters covered by licences are not considered to be material planning considerations. However, the applicant has sought advice from the Fire Department who advised that, following a visit to the premises to evaluate the fire safety provided, it was advised that the premises showed adequate safety.

On this basis, the proposal is considered to comply with policy DM22 of the Copeland Local Plan.

#### Community Facilities and Services

Policy SS4 ensures that in order for communities to be successful it is vital that they are well served by a full range of public, private, community and voluntary services.

Policy DM21 seeks to enhance and protect existing community facilities. Policy DM22 requires developments to be accessible to all users.

This retrospective application provides additional facilities for an existing Social Club serving the residents of Thornhill that are appropriate to people's needs and accessible to all which reduces the need for people to travel to obtain essential services, particularly benefiting the less mobile and more deprived members of society.

On this basis, the proposal is considered to increase accessibility and enhance the local community facility in accordance with Policies SS4, DM21 and DM22 of the Copeland Local Plan.

#### The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the



	<p>Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon them as a result of the development.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks retrospective permission for the resurfacing of tarmac area to incorporate disabled ramps, and the erection of a boundary fence to the side of the building to provide an enclosed space for recycling bins, wheelchairs and disability aids, buggies and bicycles.</p> <p>The alterations that have already been carried out as part of this retrospective application are of an appropriate scale and design and do not have significant detrimental impacts on the amenities of the adjoining properties or wider area.</p> <p>The two objections received as part of the consultation process have been considered although the works undertaken are considered to represent an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p> <p>Overall, the proposed extension is considered to be of an appropriate scale and design and will not have any significant detrimental impact on the amenity of the area, highway safety or flood risk.</p> <p>On balance, the application seeks to enhance an existing community facility within Thornhill and benefit the local community by ensuring that the Social Club is more accessible. This ethos is supported by the Council where policies within the Local Plan seek to retain and develop community facilities and encourage their usage. This proposal is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</li> </ol> <p>Application Form, received 10<sup>th</sup> March 2023;</p>

	<p>Site Location Plan, scale 1:1250, received 13<sup>h</sup> March 2023;</p> <p>Site Block Plan, scale 1:500, received 13<sup>th</sup> March 2023;</p> <p>Site Layout Sketch, received 10<sup>th</sup> March 2023;</p> <p>Photo showing wall dimensions, received 10<sup>th</sup> March 2023;</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004</p> <p>2. The fenced off area shown on Site Layout Sketch received by the Local Planning authority on 10<sup>th</sup> March 2023 must only be used in accordance with the details set out in Application Form, received by the Local Planning Authority on 10<sup>th</sup> March 2023 and not as a beer garden whatsoever.</p> <p>Reason</p> <p>To ensure that non-conforming uses are not introduced into the area.</p> <p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>	
<p><b>Case Officer: Demi Crawford</b></p>		<p><b>Date : 02/05/2023</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>		<p><b>Date : 03/05/2023</b></p>
<p><b>Dedicated responses to:-</b></p>		