



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/23/2260/0F1 |
| 2. | Proposed Development: | BALCONY & MEANS OF ESCAPE STAIRS |
| 3. | Location: | KEEKLE INN, 33 KEEKLE TERRACE, CLEATOR MOOR |
| 4. | Parish: | Weddicar |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change |
| 6. | Publicity Representations &Policy | Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report |
| 7. | Report: | <p>SITE AND LOCATION</p> <p>This application relates to the first-floor flat above the Keekle Inn, a public house located within Keekle Terrace close to Cleator Moor. The property has terraced housing to the north and south, the B5295 located to the east and a beer garden and open fields to the west. Parking for the Keekle Inn is available on the opposite side of the B5295 road.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of a first-floor balcony and means of escape</p> |

stairs above the existing ground floor projection of the pub.

The proposed balcony will project 1.88 metres from the rear elevation and it will have an overall width of 3.09 metres. It will include a 1.76 metre screening fence on the north elevation and a 1.1 metre balustrade on the rear elevation. It will also include a 1.57-metre-wide walkway with an overall projection of 6.01 metres to the proposed stairs.

The balcony, stairs and screening fence and balustrade will be erected out of metal and timber.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the following:

- Ground floor kitchen extension (ref: 4/00/0241/1);
- Rear extension to the public house to create an extended fridge, store and cellar and a further seating area (ref: 4/22/2476/0F1).

CONSULTATION RESPONSES

Weddicar Parish Council

No response received.

Environmental Health

No objections to the amended plans.

Environmental Health are conscious of potential noise issues around the use of balcony areas on such a tight residential terrace as which this site is located. For context, the pub does have a rear ground floor yard beer garden, to which the proposed stairs would alight to.

Because of potential noise issues in the evening, the beer garden is restricted to use until 21.00 hours except for the summer months of June, July and August only when this restriction is extended to 21.30 hours.

The proposed stairs and balcony should therefore not be used by patrons of the pub at any time.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties - No objections have been received as a result of this consultation process.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance



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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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Emerging Copeland Local Plan 2021-2038 (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 proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity.

Principle of Development

The proposed application relates to a residential flat above the Keekle Inn, an established pub close to Cleator Moor and it will provide a balcony on the first floor with a means of escape stairs for the pub landlord and his family. Policy DM18 supports extensions to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The site relates to a first-floor flat above a pub, located on a terraced row with residential properties either side. Following the site visit, concerns were raised regarding the size of the proposed first-floor balcony and the potential noise from the use and the potential impact from the solid screening fence along the boundary.

The applicant confirmed that the main reason for the development was to create a fire escape for the flat that did not involve going through the pub. The justification was considered to be acceptable and therefore a reduced proposal was considered to satisfy the needs of the applicant and ensure the balcony remained at a suitable scale to protect neighbouring amenity.

On the basis of the above, an amended proposal was received. The amended plans included a reduced scale of balcony, the fence moved off the boundary by approximately 1 metre. This will create a smaller walkway to the proposed stairs to provide a means of escape.

As a result, the reduced first-floor balcony and means of escape are considered to be



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appropriately located and it will be relatively modest in scale. The design includes a 1.76m screening fence adjacent to the balcony area with a reduction in height to 1.1m as a balustrade along the rear elevation and walkway to the stairs. This is considered to be an appropriate design to reduce the impact on neighbouring amenity overshadowing and dominance.

In addition, given the proposal relates to the rear elevation and the terraced row benefits from a varied elevation with a mixture of single-storey and two-storey extensions along its length, the proposal will not be out of character or harm the appearance of the existing property and surrounding area. In addition, the materials are considered to be appropriate for their use.

On this basis, the proposal is considered to meet Policy DM18 and NPPF guidance.

Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the reduced first-floor balcony proposal is considered to be relatively modest in scale and it will be suitably located above the existing ground-floor flat roof projection.

No concerns were raised as a result of the neighbour consultation process and, due to the orientation of the proposal and relationship with the existing terraced row, it is considered that the reduced balcony and means of escape will not cause an adverse dominance or overshadowing on the neighbouring properties.

The proposal includes a 1.76m solid fence along the side elevation of the balcony, facing the adjoining neighbour, no. 34 Keekle Terrace. This screening fence is considered to mitigate overlooking concerns to the side and there are no neighbours directly behind the rear elevation. The installation and maintenance of the 1.76 metre high screening walls can also be secured by a condition. In addition, due to the large beer garden and separation distance from the neighbouring property to the other side, the 1.1m balustrade is considered to be acceptable.

Environmental Health confirmed that they had no objections to the amended plans and to satisfy their comments regarding the use of the balcony or stairs by patrons of the pub at any time, a planning condition is attached.

On balance, taking into account the orientation of the existing property and proposed balcony, the reduced proposal is considered to be acceptable, and it will not adversely harm the neighbouring amenity. It is therefore considered that the proposal satisfies Policies DM18 and the NPPF guidance.

Planning Balance and Conclusion

This application seeks to erect a first-floor balcony and means of escape serve the flat above the Keekle Inn.

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| | <p>Despite initial concerns, the reduced proposal is considered to be of an appropriate scale and design, and it will not have any detrimental impact on the amenities of the neighbouring properties. In addition, planning conditions are attached to control the use and ensure that the screening fence is installed.</p> <p>On balance, the reduced proposal represents 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>Recommendation:</p> <p>Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="161 819 1493 898">1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p data-bbox="256 972 368 1003">Reason</p> <p data-bbox="256 1025 1493 1104">To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li data-bbox="161 1178 1493 1608">2. 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: - <ul style="list-style-type: none"> <li data-bbox="256 1272 954 1303">Application Form, received 18th September 2023; <li data-bbox="256 1328 1342 1359">Location Plan, scale 1:1250, drawing no. 3A, received 18th September 2023; <li data-bbox="256 1384 1257 1415">Site Plan, scale 1:500, drawing no. 3A, received 18th September 2023; <li data-bbox="256 1440 1362 1518">Existing Floor Plan and Elevations, scale 1:100, drawing no. 3A, received 18th September 2023; <li data-bbox="256 1543 1401 1608">Proposed Floor Plans and Elevations, scale 1:100, drawing no. 3B, received 18th December 2023. <p data-bbox="256 1682 368 1713">Reason</p> <p data-bbox="256 1738 1469 1816">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> <ol style="list-style-type: none"> <li data-bbox="161 1890 1493 2002">3. Prior to the first use of the balcony hereby approved, the 1.76m high solid screening fence must be installed on the north side elevation of the balcony, in accordance with the approved plan 'Proposed Elevations', drawing reference 3B, received by the Local |



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Planning Authority on the 18th December 2023. The screening fence must be permanently maintained at all times thereafter.

Reason

To safeguard the amenity of nearby residents in respect of overlooking and loss of privacy in accordance with Policy DM18 of the Copeland Local Plan.

4. The balcony hereby approved must only be used in association with the flat above Keekle Inn. It must not be used by any patron of the pub at any time.

Reason

To safeguard residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

Informative Note

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

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.

Case Officer: C. Wootton

Date : 18/12/2023

Authorising Officer: N.J. Hayhurst

Date : 18/12/2023

Dedicated responses to:- N/A