

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2174/0F1	
2.	Proposed Development:	CHANGE OF USE OF EXISTING SHOP TO A MIXED USE INCLUDING RETAIL, CAFÉ, BAKERY, AND SOFT PLAY (USE CLASS E); AND EXTERNAL IMPROVEMENTS TO BUILDING INCLUDING INSTALLATION OF CLADDING, NEW DOORS AND PORCH & REINSTATEMENT/ALTERATIONS TO EXISTING DOORS AND WINDOWS	
3.	Location:	10 - 11 SOUTH PARADE, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report

		Relevant Policies	See Report
7.	<p>Report:</p> <p>Site and Location</p> <p>This application relates to an existing commercial property which fronts onto South Parade, located within the south west of Seascale opposite the car park on the sea front. The site is an end terrace property which is currently vacant but was previously operated as a convenience store before it closed at the start of 2023.</p> <p>Relevant Planning History</p> <p>No relevant planning history.</p> <p>Proposal</p> <p>This application seeks planning permission to change the use of the existing shop to a mixed use (Use Class E) including retail, café, bakery, and soft play area.</p> <p>It is proposed that the majority of the ground floor of this property will be utilised as a seating area for the proposed café, with an area for ice cream sale located to the front of the site and a small retail area to the rear. The ground floor will also accommodate a bakery counter, toilet facilities, and a commercial kitchen to the rear of the site. The basement of the property will accommodate the proposed soft play area which will be accessed through the area identified as the bakery.</p> <p>External access to the property will be via the new porch proposed along the front elevation of the property.</p> <p>The first and second floor will remain unaltered and do not form part of this planning application.</p> <p>The site will be operational 7am – 10pm Monday to Sunday, including bank holidays.</p> <p>This application also seeks external alterations to this property to accommodate the proposed change of use including the following:</p> <ul style="list-style-type: none"> - Installation of external cladding along the full western elevation and part of the southern elevation. The proposed composite cladding will be installed to first floor height and will be pigeon blue in colour. - Erection of a new entrance porch along the north elevation of the site. The proposed porch will follow the shape of the existing building, projecting by a maximum of 3m 		



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from the most recessed part of the front elevation. The proposed porch will benefit from a flat roof with an overall height of 2.9m, with an overhanging fascia featuring traditional moulding which will also be reflected along the full front elevation of the site. Externally the porch will be finished with aluminium openings, and a single ply roof.

- Reinstatement/alteration to existing doors and windows:
 - o Front elevation: Existing large window opening uncovered and replaced like for like with UPVC opening, one existing window altered to an aluminium fire door, and one existing window slightly enlarged.
 - o Side elevation: Existing windows uncovered, lowered to have alignment of heads internally, and replaced with like for like UPVC opening.
 - o Rear elevation: Two doors to be retained and replaced with UPVC opening, one as fire exit and one as kitchen/service entrance. One existing window reopened to create new door, fitted with UPVC opening and utilised as fire exit.

The application also seeks permission for an extraction extract system on the rear elevation of the property. The proposed system will have 600mm x 600mm air intake grill to the side of the existing access stairs, and a 450mm x 450mm air extract scoop between the existing rear doors.

Consultation Responses

Seascale Parish Council

5th July 2023

No objection to this planning application.

8th February 2024

Seascale Parish Council submit a No Objection and its full support to the above planning application.

3rd April 2024

Seascale Parish Council on reading the relevant changes submit No Objection to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

10th July 2023

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material

effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

7th February 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

25th March 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

United Utilities

No comments received.

Cumberland Council – Environmental Health

10th July 2023

This application has no details provided to date on the kitchen extract system.

Can the applicant / agent please submit this?

We are happy to meet or speak further with the applicant if required.

27th July 2023

The Environmental Health team has no objections to the above proposal but has yet to see any details regarding kitchen extraction.

Accordingly, we would request that, before any works are started, relevant details are provided and that this requirement is conditioned as follows against any approval to the development.

In addition we would wish that neighbours are afforded some protection against disturbance from noise during the construction phase, and that hours of opening and deliveries to / from the premises are controlled.

20th December 2023

Having had chance to view the site and the plans, Environmental Health would object to this proposal for the kitchen extract arrangements on grounds of likely amenity loss to neighbours



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for odours and noise disturbance.

The siting of an external extract fan unit on top of the rear flat roof area would produce a predicted noise output of 63 dba (at 3 metres) that will be considerably louder than the usual acoustic environment in the rear lane (Albert Street) that would normally consist of occasional passing traffic and wind noise.

Acoustic reflection off adjacent overlooking wall surfaces may also slightly increase the noise output of the extraction unit, and its tonal nature may be more readily perceived by other neighbours.

The proposed hours of the café are 07.00 – 22.00 each day (although some seasonal adjustment is likely), so presumably the kitchen extract would need to run slightly longer than these trading hours, say 06.30 – 22.30.

There are bedrooms in the first rear floor of no.10 / 11 South Parade, rear of 9 South Parade and side elevation of 1 The Crescent (opposite) that are likely to be adversely affected by such hours, particularly early in the morning.

From an odour perspective, guidance on good practice for kitchen extract always favours higher level termination above roof eaves.

It was noted that the proposed rear flat roof for the extract unit is relatively sheltered from off-shore wind and there is the worry that odour-laden extract gases will not get away from the partly-enclosed flat roof to a sufficient degree.

Environmental Health are otherwise supportive of the planning application generally and remain open to further input from the applicants.

15th February 2024

Aesthetically, the revised proposal for the extract termination out of the rear wall of the premises works much better and is less intrusive to the eye.

The concerns of Environmental Health on possible noise and odour problems to the locality laid out in its response of 20.12.23 still apply however.

Notwithstanding this, Environmental Health would wish to support the application if these concerns can be mitigated in any way –

- Noise – it would be helpful if the applicant could provide a predicted noise output for the revised kitchen extract scheme or will this remain at 63 dba (at 3m) given that the same fan would be used? It would be acceptable if the fan speed and noise output could be adjustable, so that it could be turned down and the noise lowered, when the kitchen is operating at low capacity for instance.
- Odour – there is no definitive legal requirement for high-level kitchen extract discharge, though all available guidance recommends it as the first desired option. The

premises could help to mitigate against possible odour nuisance through its choice of menu (avoiding spicy and odour-laden foods) and making use of new portable kitchen devices (like air fryers) so that high fat and grease foods that give off smoke and smell can be prepared without over-use of the kitchen extract system.

In the interests of compromise, the above further information and agreement from the applicant would be most helpful.

9th April 2024

From an Environmental Health perspective, the potential problems of noise and cooking odour remain, as laid out in previous responses.

- Noise

Impact / air-borne noise of staff and customers in the premises to the occupiers of the adjacent residential premises.

Principally this may be possible early morning disturbance from arrival of staff in to the premises, food preparation and cleaning of the premises (moving chairs and tables around), noise from children in the basement play area, and from customers chatting with background amplified music in the café seating area. The proposed hours of the premises at 07.00 – 22.00 on a 7 days per week basis (though some seasonal adjustment is likely) are substantial.

It is proposed to open the bakery at 07.00 hours, and it would be expected that staff may be in the shop much earlier than this to carry out food preparation.

The converse is true in the evening also, staff are likely to remain on the premises for a period after trading ceases at 22.00 hours.

Consideration therefore needs to be given in permitting any operating hours, as to what length of pre and post-opening working times may be reasonable.

The other noise impact may arise from the operation of plant and equipment from the kitchen extract system and any refrigeration and air conditioning plant.

The kitchen extract system is rated at 61 dBA at termination. This noise level would see a potential breach of levels laid out in the WHO Guidance for Community Noise 1999 for outdoor living areas at 50 dB LAeq (16 hours) and indoor living areas at 35 dB LAeq (16 hours).

It should be noted that these noise levels are merely guidance and not statutory, and are an average measured over an entire day period of 07.00 – 23.00 hours.

It would be necessary for the business operator to turn the kitchen extract fan speed down when demand is low and so reduce its noise output to help bring the average noise level



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down.

It is noted that the bakery at its previous location in Seascale did not use a kitchen extract system and there are other examples of this elsewhere in the district.

If the kitchen extract could be kept off until the café is open at in the premises, the noise levels could be further reduced.

The café will open at 10.00 am, so keeping the kitchen extract off until, for example, 09.30 hours would be helpful.

Likewise turning the extract system off in the evening as soon as is practicable upon completion of the opening hours.

The amended site plans do not show a defined ice cream preparation area – will the ice cream be prepared on site or off site?

- Odour

All available guidance for dispersal of cooking odours recommends high level extract discharge where possible.

Again, this is guidance and not a statutory requirement; low level extract discharge is common when structural confines are in place, as is the case at this premises.

The choice of menu (avoiding spicy odour-laden foods and high fat foods that will give off smoke in the cooking process), together with use of electrical cooking equipment such as air fryers, toasters and microwave ovens, can help to avoid nuisance from cooking odours.

In summary, this application has developed in to a quite intensive proposed multi use of the premises.

Whilst there are sound business reasons for this, it must be recognised that some (marginal) loss of amenity from noise disturbance to the nearest residents is quite possible. The proposed opening hours of the premises are long, and will be further lengthened by pre / post opening activity also.

Environmental Health must therefore return a neutral stance on this application.

The successful use of a closed premises on the seafront would be of benefit to the wider community but immediate neighbours may be adversely affected to a greater or lesser degree.

If the planning application is approved, there are further regulatory controls available to the Council in the event of problems through the statutory nuisance provisions of the Environmental Protection Act 1990 and Premises Licence provisions of the Licensing Act 2003.

13th April 2024

As laid out in the Environmental Health response dated 11.04.24, the noise from the kitchen extract is likely to be above WHO Guidance for Community Noise levels for the outside yard and inside living area of the nearest noise sensitive dwelling when the extract is running at full power.

These respective noise levels are 16 hours averages and are used in this instance as an indication of how residents may be impacted.

The average noise levels from the kitchen extract can be reduced by a limitation on the hours that the extract plant may run or through the operator turning the fan speed down sufficiently through the working day when demand is reduced.

The applicant's current bakery in Seascale operates without any kitchen extract and if the proposed early mornings (07.00 – 09.30 or similar) of the new bakery could do likewise, it would help considerably.

The agent's response has addressed potential operational noise issues with the development.

Potential problems from odour nuisance are largely down to the type of food that is produced in the kitchen, given that the building's layout is a major constriction on the kitchen extract design (low level extract termination).

In summary, there is some minor loss of amenity likely to residents, partly as a result of building constraints.

The nature of the development proposal has become more intensive over the course of this planning application and how its future operation is managed will further influence any potential loss of amenity due to noise and / or odour.

Environmental Health do not wish to object to the application however, and would respond using statutory nuisance legal powers should subsequent problems arise.

You can condition hours of opening / operation as appropriate.

Otherwise it is largely down to how the premises are run / develop.

There will be a Premises Licence for the establishment, and there are the statutory nuisance provisions of EPA 1990 as potential means of redress in the event of problems.

Natural England

13th July 2023

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will



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not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

8th February 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 13 July 2023 reference number 441751.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

4th April 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 13 July 2023, reference number 441751.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Environment Agency

No comments received.

Cumberland Council & Westmorland and Furness Council – Resilience Unit

24th July 2023

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and

Public Information) Regulations 2019.

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

1st February 2024

There are no further comments in addition to the reply forwarded on 24th July 2023.

20th March 2024

There are no further comments in addition to the reply forwarded on 24th July 2023

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fifteen properties.

Two letters of support have been received which provide the following comments:

- I support this application and believe it is in line with the Copeland plan to support and redevelop coastal areas within Cumbria.
- Seascale is in need of regeneration and this application will help further this.
- The applicant is a proven pinnacle of support for the local area and she will do her utmost to make this a success for the local area.
- Having the premises improved, instead of sitting empty and falling into disrepair can only be a good thing for the foreshore.
- The applicant's current premises have been outgrown. This causes queues in busy times and lack of seating, which means people are turned away, thus losing business in the village.
- The applicant is an integral part of our community and her ice-cream is quite frankly second to none.



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- The addition of a soft play area will massively benefit the younger children who live in the village and who visit the village.
- Rarely do you see a planning application that is completely validated, but this one is.
- I urge that the application is approved in totality and residents can look forward to no longer being turned away during busy times when they want to avail themselves of the food and ice cream on offer.

Five letters of objection have also been received raising the following concerns/comments:

- The application property for many years was a successful retail outlies as a corner shop and sold ice cream.
- There cannot be any plausible objection to the café. Building control will ensure correct facilities however it is not as claimed on the application form 'an eyesore'.
- The applicant is not removing an eyesore she is just making cosmetic changes to the lower part of the building which is undoubtedly acceptable, however not the whole building needs works.
- The applicant has a history of hype to publicise what she wants. Public hype for this application has not existing only a coming soon announcement. The applicant is applying a strategy to convince the planning department the proposals are innocuous but will bring significant economic benefit to the village and Cumberland as a whole. This is not a reason to approve the basement soft play.
- The scheme will not employ large numbers of people, it is just moving an existing business to a new location.
- It is not going to significantly increase footfall.
- The only item in the application needing planning permission is the soft play area. This was not advertised originally by the applicant. This shows a lack of consideration for the owners of neighbouring properties and how it will affect our lives.
- Clarification is required on whether exits are trading outlets of emergency exists as this will be disruptive to neighbours, particularly onto Albert Street which is busy and is required for access to properties.
- Highways should be consulted on trading from the rear of the property and parking on pavement on the blind bend.
- Parking on pavements will cause distress to vulnerable pedestrians, wheelchair users, mothers with pushchairs and toddlers as the only way to proceed is to go onto the road and the blind corner.
- The buses using the car park will cause extra issues with highway safety.

- It is wrong to state there will be no impact on the neighbouring properties.
- Trading times are unacceptable.
- The above application differs considerably from the one advertised before July 5th, 2023 SPC meeting. Then it was skipped over by Cllr David Moore and quickly given no objection.
- Concerned at the location of the kitchen extractor fan. Concerned due to the issues raised by Kevan Buck's response to the plans.
- The terminology 'bakery' may be innocuous, or it may be a devious description to have it included in the Decision Notice. I am fully aware how important it is to have the right wording and descriptions in any DN to avoid manipulative activity by the applicant, should the applicant want to expand her business or has a need to sell the property, the meaning for the 'bakery' could have more connotations than the public conceive.
- It must be clear what is included when it comes to use classes which all buildings have. A 'bakery' will usually fall under class A1 (retail) or A3 (café or restaurant.) Her presented plan, which is already different to what she is misleading the public to believe. It is likely she will have both A1 classification and A3 classification.
- She apparently plans to have two small ovens and a small extractor unit
- discharging into to the back lane which is Albert Street. However, if she is given permission to have a 'bakery' what is to prevent her from installing two large ovens or more? She would not need permission. Then if not enough care is taken with the details in the Decision Notice it could be possible for her not to require approval by submitting another planning application to install a large external Extractor System.
- Multiple changes of use for a building can produce a lot of unpredictable variables that the council needs to consider before a Planning Decision is issued.
- In this case the location of enlarging a 'bakery' business in that the venue will have an unacceptable impact on the local residents.
- Concerned about the noise aspect, food smells which will directly affect us when we are outside enjoying the fresh air in our back yard, smells on our clothes hanging on the clothes line and the noise that could start at 06.30. It is likely the applicant will want to catch the early morning Sellafield trade.
- Whilst we are supportive of the current building being put to use, as it has sat empty for some time, we are very much against the proposed location of the extraction unit.
- Having lived here for three years, I can safely say the wind almost always blows in the direction from the sea down our street, so any smell would carry straight down our road. Neither was the recently revealed Extractor System part of that application, nor



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did she mention having a 'bakery'.

- The soft play area which I understand is in the cellar devoid of light and fresh air, unofficially it has been put to me the air is going to be pumped in. However, another issue is, there is no provision for 'Diverse Abilities' this situation was ignored for the play area on the seafront it would be remiss of the Planning department to do it again.
- The basement is not a suitable location for a soft play area.
- The applicant could make the property she is vacating into a soft play which would be more reasonable as its at ground floor level and therefore accessible with carparking to the rear.
- The applicant should have declared that she is the Leader of the Seascale Parish Council.

Public Reconsultation

Following the receipt of amended/additional information for the application and an amendment to the application description a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application:

One letter of support has been received raising the following comments:

- I offer my full support.
- The proposed changes will make the building far more appealing given that it is such a prominent building in Seascale, and was, beginning to look a bit dilapidated.
- These amendments can only benefit the Village of Seascale and given that we have become, somewhat of tourist destination since the Pandemic this will draw in more business to Seascale and offer more services to the Village residents and tourists alike.
- I unreservedly support the proposed planning changes, both externally and internally and view them as being wholly positive.

Four letters of objection have also been received raising the following concerns/comments:

- Please could I have clarification on the submitted plans. The floor plans show a seating area top left. I was taken around the shop last week and the seating is not going to happen. This is where the 'bakery' is to be located. Also the plans which show the north side facing the car park and close to the party wall shows a window There is no window any more. A doorway has been created and this will be the entry to the 'bakery' open from 7am next to the neighbouring windows.
- Inside the building she has built a dividing wall to separate the bakery from other premises trading.

- The original application does not state that the building will be providing hot food takeaways. It has been mentioned around the village that it will also incorporate a bakery as the one currently being operated already in the village is to be closed and relocated. Therefore it will be providing hot food takeaways. Is there likely to be additional waste disposal facilities as I do not want rubbish to be disposed of on/near my property.
- Concerned about the proximity of neighbouring window to the bakery door as queues are likely to form. This will encourage pavement parking and parking on the yellow lines. To my knowledge there has never been a door there.
- Having checked now with the Planning department considering application 4/23/2174/OF1 being dealt with under the planning use class 'E', does pose the problem that I had with the bakery and how inclusive it can become. There is a long list of businesses in use class 'E' which in themselves may not be a problem, but my same concerns apply that because they come under that use class do they automatically get an approval, or more to the point there is no need for the 'business' person to apply for any structural changes.
- The noise and smells coming from the establishment are also a concern. There's already a chip shop at one end of the street and having another food establishment at the other could make smell pollution unbearable.
- The closing time is stated to be 10pm. The clientele likely for later at night in Seascale is more likely to be the whole villages kids and will be used as a hangout area. Those residing in my property are working professionals and the noise is likely to be an issue.
- It also concerns me that if I am right it will reduce the value of my property.
- The applicant has advised that she will be trading by easter there are however several planning issues to be resolved before this can happen.
- Planning permission has not yet been granted!
- The applicant has also applied for a liquor license. It was of course obscure in what she was using the license for.
- Kevan Buck is still unhappy about the extractor fan. So that will still need his attention.
- The cladding is a major decision. There are no other buildings in the vicinity with cladding. This is one of the most prominent buildings on the seafront.
- The application does NOT provide a Soft Play as we know and expect it to be. Therefore, she should only be given approval for what she is providing. That is, an area in what was the cellar where parents/supervisors can take children to sit with them away from the alcohol consumption area. That is not Soft Play.



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- The soft play has no provision for adults or children with diverse abilities.
- The applicant has knocked off the top of the dividing wall, rendering it unsafe to be used as an access to the rear of the accommodation of 9-11 South Parade. This is dangerous and will result in loss of privacy.

Public Reconsultation

Following the receipt of amended/additional information for the application and an amendment to the application description a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application:

One letter of support has been received raising the following comments:

- I see absolutely no reason to change my opinion on this application and, still unreservedly and wholly support it.

Two letters of objection have also been received raising the following concerns/comments:

- I'm not happy about the opening hours, that it's going to be a takeaway bakery included.
- Opening times will cause significant disruption and activity noise for a considerable length of time everyday next to my property which didn't occur before when the premises was a convenience store and closed between 7-9pm.
- The applicant has only ever operated her business from commercial areas and within premises. The recent bakery in Seascale was adjacent to other commercial properties and was located in what is now the commercial hub of Seascale and wouldn't have caused disruption. The ice cream parlour is incorporated into the Bailey Ground hotel which is a detached property. This new business enterprise is very different at 10&11 South Parade because it is directly affecting residential properties both next door and at the rear.
- That extractor fan is going to be used from early hours to accommodate having pies and bread ready for early opening, and likely well past the late closing time. That's both noise and smell pollution.
- There's already a fan at the other end of the street, so combined it's going to be unbearable.
- The house I own has professional tenants in and they have spoken freely how this is going to be a huge inconvenience for them and have suggested already that they will be looking to move. I may end up with a property that I can neither let out or sell on without making a huge loss.
- I'm also concerned about what methods are being put in place for waste disposal. There's no waste bins along the street only the beach, so will my front yard get

littered? There's also little room around the back for industrial bins.

- The back street is impassible due to the work going on as the applicant has blocked it.
- There's also insufficient parking in the car park due to places given to sellafield workers. Her shop is likely to bring in more cars but there's nowhere to park other than the main road, and that's dangerous.
- Parking on pavements will be dangerous.
- I appreciate that the neglected shop does need something doing to it but there are insufficient amenities to cope with the proposals, and the hours of opening etc are not considerate to those living there.
- Please could I clarify as mentioned in our recent conversation that access to the bakery will be through the main door/new porch and not through the additional door created adjacent to the fire door.
- I would be vehemently opposed to access to the bakery so close to our property and bay window due to the disruption at the early morning opening at 7am and the possible queues outside and in front of our bay window.
- I also request that the applicant reinstates the window as she has already created a door space in the anticipation of having the bakery access there.
- I will not accept a door shaped sealed window as at a later date this could easily be made into a door. This has to be a reinstated window the same as all the others.
- I have also requested clarification from you on the size of extractor fan as the plans show a 400x400, but the acoustic rating paperwork indicates a 450.
- This roof plan is inaccurate as the open rectangle walls depicted on the 900mm clear route have been taken away and there is just an open space in the far right white corner depicted. There is a portion of the end wall still in place.
- I am also raising my concerns on the description and the layout of the 'Soft Play'. Firstly I believe that calling the basement area as Soft Play is misleading. It is a children's area/room where parents can eat and drink with their children. It has been partitioned off so that there is a very small play area where some sort of equipment such as spongy shapes could possibly be placed.
- Every person I have spoken to including a representative of CC and the applicant herself have said that it's not what you would normally think of as Soft Play. I therefore request that the description and terms are changed because if approval is given under the title on the plans and application it will be for Soft Play which is erroneous. However the premises approval will show Soft Play in the records which will be accepted for any future change of ownership.



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- More importantly the access down into what was the cellar is one way in and the same way out, the same flight of stairs. Isn't this a fire hazard?
- Also it is excluding those children and parents with diverse abilities as there is no alternative access for this section of the community.
- If those with diverse abilities did manage to get down there and there was a fire how and who would assist their exit in an emergency?
- In my opinion, it is not a suitable area for customers to be, particularly a children's play area. I am therefore requesting that the Soft Play is rejected on the grounds that: the emergency access and exit are inadequate and poor, the facility excludes those with diverse abilities, and description and terms are misleading
- The cedar board cladding proposed will be completely out of keeping with all the rest of the properties in this area. Whilst I am sure it would look very nice on properties in a wooded environment and further inland closer to the fells. It would look completely at odds against all the houses on Drigg Road, South Parade, Railway Cottages, Crescent Cottages, etc. particularly as a large area needs to be cladded and would therefore stand out.
- I also question the suitability of the cladding material due to the corrosive salt air and how quickly it would deteriorate in appearance.

Public Reconsultation

Following the receipt of amended/additional information for the application a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application:

765 letters of support have been received which set out significant support for the proposed development.

Three letters of objection have also been received raising the following concerns/comments:

- Response to environmental health report. Their answers do not alleviate my concerns over the long trading hours and the noise and smell pollution.
- It is stated that it is a commercial premises and was retail prior, therefore there is no change to the neighbours in terms of noise. Incorrect. The previous was a shop which had fewer trading hours and it was not manned or had staff working out with of opening times. This shop will have workers out with of longer opening hours.
- It implies skeleton staff from 6.50, most arriving at 9. For a bakery to run successfully it needs stock on shelves prior to opening. This says that it does need to operate well before opening or well past closing to get ready. I do not believe this statement.
- I find the timing of staff arriving at 'approximately' 06.50 very optimistic giving the staff

only 10 minutes to set up the bakery. As I understand the point of a bakery is to serve freshly baked goods, therefore it is more likely staff will need at least 30 minutes to set up and lay out the food.

- There is a vast deviation from the applicants original published intentions for the type of business she was going to operate. She now claims she needs several Strands of business to be successful.
- The multiple business uses will not, be complimentary to each other.
- It argues that more noise will come from the Trainline. The Trainline that runs from 6.30am to 8.45pm approximately one per hour in each way? I don't think so. There will be noise up until at least 10pm, and end up with kids hanging round it causing more noise and potentially other disturbances.
- THERE IS A CHANGE IN CIRCUMSTANCE TO THE NEIGHBOURS. We will have an extractor system at face height and a commercial kitchen will be installed. The applicant does not live on South Parade or Drigg Road area and does not know what it is like permanently living here. You can hear a pin drop in the evenings. It is very quiet. This is a totally different commercial use from the convenience store.
- I will be out in my small garden/back yard seating area and I will be able to hear all that is going on in the kitchen all day until at least 22.00. This did not happen before when the premises was a convenience store as a commercial kitchen did not exist and the door to the back of the shop remained closed. There was no activity in and out of this door. I believe this commercial kitchen will be a nuisance noise to me.
- The operating hours of the convenience store were by the very nature connected to the description of the business type. It opened early for papers for example, people running out of milk. The proposed trading hours 07.00 – 22.00 are excessive for a business that is not convenience related in the same terms as the convenience store. It is too close and dominant to the residential area particularly as the applicant's property is so close to the adjacent neighbours houses.
- What time will the extract system be switched on? Is it connected to the bakery?
- The kitchen extract system will be on all day from approximately 06.30 due to the opening of the bakery with a potential breach of levels laid out in the WHO Guidance for Community Noise 1999. This is particularly concerning due to the close proximity of residential properties and the low height it has been placed.
- The extractor will be on for 16 hours a day 7 days a week.
- The applicant does not live on South Parade, Albert Street or the Drigg road. If the applicant thinks this is a noisy area then it would appear her rationale for her business then is that it is ok to add more noise. That is ridiculous.



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- The application has changed multiple times since outset. I doubt the full application has yet been proposed.
- It argues again about noise pollution that the location is next to a public car park (quiet after 8pm, there is little use for it), play area (used in daylight hours for children, rarely before 9am and not much after 8pm), fish and chip takeaway (longest hours 12pm-9pm, mainly weekends and closed Monday Tuesday), rail line (already discussed) and weather and high tides (really? Clutching at straws).
- The opening hours really are a major concern for me and my tenants.
- The cladding in no way is in keeping with any of the properties in the area of South Parade, Drigg Rd, Railway Cottages, Crescent Cottages, etc. I would suggest that the whole point was to make this large building stand out from the rest. I do not think any of the colours or material would be appropriate for this area. The rendering which is supposed to represent the sand looks the most appropriate which is being used for the 1st and 2nd floors. The lower part of the building is breeze block anyway and not the poorly degraded brick.
- I also want to clarify the latest floor and roof plans submitted. Firstly the additional door added on the south facing wall. Whilst it is shown on the South facing diagram it is not drawn on the floor plans. My concerns knowing how so much this project is continually changing is that the door whilst at the moment is opened from inside, this could easily be changed to an external access door into the shop.
- There needs to be a condition that all Fire Exits remain as Fire Exits.
- I am still concerned that the window on the north facing wall has not been reinstated and the additional door space created close to my bay window is still there. I am presuming that the applicant is trying to still have that door space as an entry to her bakery.
- Despite all the alterations and lack of planning approval many people think objecting is pointless because planning approval is a foregone conclusion despite all the work being carried out without it.
- Building Regs may have been complied with but the proposed plans and elevations have been consistently inaccurate compared to the actual building work carried out.
- Without any planning approval she has carried out unknown internal alterations.
- This is about protecting our standard of living which in the last 12 months has been degraded in the extreme by the constant noise, disruption, mess, anxiety and stress that it has caused.
- The applicant has very little concern or awareness of the affect her project has had or will have.

- The applicant's proposal is too dominant for this residential area both internally and externally.
- The hours of business and pre and post operations are excessive. It is not the responsibility of the local residents to have their standard of living reduced because the applicant has bought a huge building in a rural setting and needs to fill it with several types of businesses and stretch out the operating hours to make the business viable. Neither is it our responsibility to sacrifice our peace of mind and living standards for the rest of the wider community.
- It is false information for the Applicant to create the impression she actually knows there is no change in the circumstances for the neighbours. She has not made any effort to liaise or inform us as direct neighbours.
- As far as I understand it the NEW class E planning procedures, which I expect the officers are working to, knowing they will be introduced by the Government next September. Their purpose is to simplify, speed up, and take out some of the nitty-gritty for officers processing applications. However, protection of neighbours remains. The application 4/23/2174/OF1 has an unwarranted impact on neighbours, and others in close proximity, something you have already identified as being unacceptable. The Applicant has not submitted an impact statement on any one of her strands of business, she has not given any attention to the impact on our quality of life, smells, noise or privacy.
- There appears to be no change in the new planning submission to dismiss the problems identified by Keven Buck.
- The bus operations from the car park opposite are a danger to children.
- We chose to live by the sea in Seascale for the peace and quiet that existed prior to February 20th 2015 when the applicant and a Councillor changed the demographic culture of Seascale for other financial reasons than the good of the community.
- The Soft Play area has not been addressed. The plan is devoid of any actual information about the operations of this area.
- Have the fire service been consulted on the stairs to the soft play area? How will it be accessed by the emergency services?
- Without the full details how do we know if it meets Building Regs and H&S and Environment standards? The plan is misleading.
- An air vent has been installed on the roof with no details provided.

Planning Policy



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Planning law requires that 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)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principle Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy ER10 – Renaissance through Tourism

Policy ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

	<p>Policy DM11 – Sustainable Development Standards</p> <p>Policy DM22 – Accessible Developments</p> <p>Policy DM21 – Protecting Community Facilities</p> <p>Policy DM22 – Accessible Developments</p> <p>Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species</p> <p>Policy DM24 – Development Proposals and Flood Risk</p> <p>Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species</p> <p><u>Emerging Copeland Local Plan 2021 – 2038 (ELP):</u></p> <p>Cumberland Council are continuing the preparation and progression to adoption of the ELP.</p> <p>The Local Plan Examination Hearing Sessions were completed in March 2023.</p> <p>The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.</p> <p>The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.</p> <p>A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.</p> <p>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.</p> <p>Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. As the consultation on the main modifications to the ELP is now complete significant weight can also be afforded to the policies of the ELP where modifications are proposed.</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS2PU: Reducing the impacts of development on Climate Change</p>
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Strategic Policy DS3PU: Settlement Hierarchy Strategic
Policy DS4PU: Settlement Boundaries
Policy DS6PU: Design and Development Standards
Strategic Policy DS8PU: Reducing Flood Risk
Policy DS9PU: Sustainable Drainage
Policy SC5PU: Community and Cultural Facilities
Strategic Policy SC1PU: Health and Wellbeing
Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)
Policy SC5PU: Community and Cultural Facilities
Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N2PU: Local Nature Recovery Networks
Strategic Policy N3PU: Biodiversity Net Gain
Strategic Policy N6PU: Landscape Protection
Strategic Policy N9PU: Green Infrastructure
Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy
Policy SC5PU: Community and Cultural Facilities
Strategic Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure
Other Material Planning Considerations
National Planning Policy Framework (2023)
National Design Guide (NDG)
Cumbria Design Guide
The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this application relate to the principle of the development; impact on community facilities; tourism development; settlement character and landscape and visual

impact; scale, design, and impact of the development; access, parking, and highway safety, flood risk and drainage; and ecology.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services, and recreational/sport facilities. This policy also seeks to support the development of tourism in appropriate locations.

Policy ST1, ST2 and ER6 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site lies within the designated settlement boundary for Seascale, which is identified as one of the Borough's Local Centres in Policy ST2 of the Copeland Local Plan. This policy seeks to retain employment within Local Centres, and states that new provision for tourism will most likely be provided through conversion/re-use of existing buildings or completion of sites which are already allocated. Furthermore this policy places emphasis on the retention of existing retail and services, and promotes convenience shopping to meet day-to-day needs.

Policy DS3PU of the Emerging Local Plan continues to identify Seascale as a Local Service Centre, where the focus will be to support the retention and small scale growth of existing services and businesses, with development focussed on existing employment allocations, moderate housing allocations, windfall and infill development. Policy DS4PU of the Emerging Local Plan states that development within the identified settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

The application seeks to change the use of an existing vacant retail unit along the seafront of Seascale, introducing a mixed-use facility to combine the applicant's existing businesses currently operating within the village and the expansion of these existing community facilities. The principle of this development is therefore considered to be acceptable.

On this basis, the proposal is considered to comply with Policies ST1, ST2, and ER6 of the Copeland Local Plan, Policies DS3PU and DS4PU of the Emerging Local Plan, and provisions of the NPPF.

Impact on Community Facilities

Policy SS4 of the Copeland Local Plan protects range of services and facilities serving the Borough's communities by encouraging the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. This policy also allows for the expansion and enhancement of existing community and cultural facilities to assist continuing viability and guards against the loss of land or buildings belonging to existing facilities in all locations by ensuring sites are retained for other forms of community use and ensuring satisfactory alternative provision is



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made where development will result in a loss of a service. Policy DM21 of the Copeland Local Plan states that development or change of use which would result in the loss of an existing social, community, cultural or sports facility will be resisted where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

Policy SC5PU of the Emerging Local Plan states that proposals for new community facilities will be supported in principle and developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result. This policy also states that the loss of existing community facilities through change of use or new development requiring planning permission will only be permitted where it can be clearly demonstrated, to the satisfaction of the Council, that its continued use as a community or cultural facility is no longer feasible, having had regard to appropriate marketing, there is sufficient provision of such facilities in the area, and/or sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better than the facility being lost.

Whilst the proposal changes the use of the existing building, which was formally operated as a convenience store, the proposal is not considered to result in the loss of this facility as the shop has been closed since early 2023. The current proposal also seeks to provide a small retail element as part of the mixed use at the site, and there are other retail facilities within Seascale which are available to serve the local community. The proposed use of the building would also ensure that the building is retained in a commercial use which would provide services for the local community.

On this basis, the proposal is considered to comply with Policies SS4 and DM21 of the Copeland Local Plan, SC5PU of the Emerging Local Plan, and provisions of the NPPF.

Tourism Development

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate grow of the Borough's local economy. The NPPF states that planning policies and decisions should help to 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.

Policy ST1, ER10, DM8 and DM9 of the Copeland Local Plan seeks to maximise the potential of tourism in the Borough and will seek to expand tourism outside of the Lake District National Park boundaries to take pressure off the National Park's busiest locations and deliver economic benefit in the Borough. The NPPF also states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in

rural area both through conversion of existing and well-designed new buildings, and sustainable rural tourism developments which respect the character of the countryside.

Within the Emerging Local Plan, Policy T1PU states that the Local Plan supports the creation, enhancement and expansion of tourist attractions, new build visitor accommodation and infrastructure in line with the settlement hierarchy. All tourism development must be of an appropriate scale, located where the environment and infrastructure can accommodate the visitor impact, and where it does not result in unacceptable harm to environmental assets or the character of the area. This policy further states that tourism development will be supported out of the defined settlement boundaries where the proposal includes a function or activity that requires a location that cannot be accommodated within the Principle Town, Key Service or Local Service Centres, the proposal enhances existing place bound assets, the proposal is for a change of use or diversification of an existing building to provide overnight or longer stay visitor accommodation, or the proposal is for a farm diversification in rural area that will provide or enhance tourist provision.

The application seeks to change the use of a prominent vacant unit along the seafront to a mixed-use development. The proposal will combine the applicant's two existing business to a larger site allowing for the expansion of the existing operations and the introduction of additional facilities, i.e. a soft play area, increasing the tourism offer in this location. Given the proposed will utilise an existing vacant building and only a minor porch extension is proposed, the proposal is considered to be of an appropriate scale and will not have an unacceptable impact on environmental assets or the character of the area.

On the basis of the above it is considered that the proposal complies with Policies ST1, ST2, ER6, ER10, DM8 and DM9 of the Copeland Local Plan, Policies T1PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design, and Impact of the Development

Policy ST1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining

amenity and maximising solar gain.

The main element of the change of use will be contained within the existing footprint of the building, with limited alterations to the main property. The proposal does however seek permission for a small extension to the front of the building to provide a storm porch for the main entrance to the building. The proposed porch is small in scale and has been designed to reflect the shape of the existing building with a flat roof in order to limit the impact of the development and ensure the extension is not over dominant within the streetscene. The overall design of the porch has been amended following discussions with the agent to include an overhang fascia of traditional moulding, which will also be extended along the full frontage of the property, in order to reflect the traditional features within the adjacent properties ensuring the development does not have an adverse impact on the overall streetscene.

The proposal also seeks to reinstate existing openings and slightly alter the existing fenestration patterns within the ground floor of the property. The proposed alterations are considered acceptable and are not considered to significantly alter the character of this building. Concerns have, however, been raised from the occupiers of neighbouring properties with regard to the use of the proposed openings within the building. In response to these concerns the agent has amended the submitted plans to indicate the use of each external door, with the majority being utilised as fire escapes. The agent has also agreed that a condition can be placed on any decision notice to restrict the use of these door to the use stated on the proposed elevation plans. Concerns have also been raised from neighbours regarding the existing opening within the front elevation of the property directly next to 8 South Parade. During the application process this existing window opening was altered to accommodate a door to serve the proposed bakery. However following officer concerns regarding the potential for creating separate planning units and potential impacts on the neighbouring property given proximity to their existing windows, this door was amended on the submitted plans to a large window. As the applicant has already carried out work to create a door opening a condition will be attached to any decision notice to ensure this door opening is reverted back to a window prior to the first use of the building.

The Council's Environmental Health team have reviewed this application and have confirmed that they have no objections to the development. Concerns were originally raised with regard to lack of details for the proposed kitchen ventilation, however following extensive discussions with the agent and the submission of amended schemes for the proposal this is now acceptable to the Environmental Health Officer. Neighbouring properties have raised concerns with regard to the impact of the development upon residential amenity, in particular the proposed extraction system and the proposed opening hours of the site. Whilst Environmental Health have stated that noise from the kitchen extract is likely to be above WHO Guidance for Community Noise levels when running at full power, this would be reduced based on the reduction of fan speed and hours of use. It is also stated that odour nuisance could be limited based on the type of food produced. Operation hours have also been confirmed as appropriate. On this basis, the Environmental Health Officer has

confirmed they would use their statutory nuisance legal powers should subsequent problems arise from the development. Conditions will be included to restrict operation and construction hours to limit the impact on neighbouring properties. Concerns have also been raised with regard to the small flue on the rear roof area of the property in close proximity to 8 South Parade. The agent has confirmed that this is mechanical ventilation for the toilets, therefore any nuisance from this would again be dealt with by Environmental Health's statutory powers.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Access, Parking, and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The application site currently has no off-street parking, this will not be altered as part of this application. Whilst the property does not benefit from any off-street parking, it is located directly opposite to the large existing car park on the seafront which offers free parking to users. The site is also located within a sustainable location with a number of public transport options available within walking distance of the application site. Whilst concerns have been raised with regard to parking for the proposed business by local residents, the Highway Authority have confirmed that they have no objections to the application as it is considered that it will not have a material effect on existing highway conditions.

Objectors have also raised concerns with regard to accessibility of the soft play area within the basement of the property. These concerns relate to the accessibility of the play equipment for all users and access for the fire service. Whilst the planning application seeks to change the use of the basement to a soft play area the type of equipment installed would not be within the Local Planning Authorities control. Issues relating to fire safety and access would be dealt with under the Building Regulations process.

It is therefore considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.



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The application site is located within Flood Zone 2, with a small section also located within Flood Zone 3. A Flood Risk Assessment has therefore been submitted to support this application. This assessment confirms that the site has no history of flooding, and the proposed use is classed as less vulnerable as the scheme does not have a residential or overnight accommodation. Further the assessment states that as the works are for a change of use and minor external alteration to the existing property, the proposal has no impact on the adjacent properties or will increase flood risk elsewhere in the locality. Drainage for the development will remain as existing.

The LLFA have offered no objections to the application, as it is considered that it will not increase the flood risk on the site or elsewhere.

On this basis the proposal is not considered to have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference. The proposal does not affect any habitat and therefore there is no requirement to achieve BNG as part of this development.

The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed change of use is retained within the existing footprint of the building with only a small porch extension proposed which is located on an existing hard surfaced area, therefore the development will not disturb any habitats. The site is also located within a building up area. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Planning Balance and Conclusions

The application seeks to change the use of an existing building within a prominent location

	<p>along the seafront in Seascale, which is identified as one of the Borough's Local Centres, introducing a mixed-use facility to combine and expand the applicant's existing businesses. Whilst the proposal changes the use of the existing building which was formally operated as a convenience store, the proposal is not considered to result in a loss of this facility as the shop closed in early 2023, a small retail element is retained as part of the current proposal, and there are other facilities of this nature in the town. The proposal will also ensure the building is retained for community use and will enhance the tourism offer in this area. This is afforded significant weight.</p> <p>The proposed porch extension is complementary to the character of the area following amendments to the plans it is considered to enhance the frontage of the building. The use of modern cladding is also considered to enhance the external appearance of the building and is not considered to have a detrimental impact on the character of the area. Whilst the fenestration pattern for the property will be altered with existing openings reinstated and enlarged, conditions will be utilised to ensure the development is carried out in accordance with the approved plans to protect the amenity of neighbouring properties. This is afforded significant weight.</p> <p>Whilst concerns have been raised with regard to the impact of the development upon neighbouring properties, particularly from the proposed operation hours and extract system, the Environmental Health Officer has confirmed that they have no objections to the application based on the amended details submitted. The Officer has also confirmed that they would use their statutory nuisance legal powers should subsequent problems arise from the development. Conditions are proposed to restrict operation and construction hours to limit the impact on neighbouring properties.</p> <p>The proposal offers no off-street parking, however the site is located adjacent to a public car park and other sustainable transport links. The Highway Authority have offered no objections to the application. The development is also not considered to have an adverse impact on ecology or flood risk within the area.</p> <p>On balance the positive benefits that would result from this proposal are considered to outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three

years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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:-

- Existing/Proposed Location Plan & Proposed Block Plan, Scale 1250 & 1:500, received by the Local Planning Authority on the 20th June 2023.
- As Existing Drawings (Amended), Scale 1:100, Dwg No: 01, Rev: D, received by the Local Planning Authority on the 6th March 2024.
- As Proposed Plans/Elevations (Amended), Scale 1:50 & 1:100, Dwg No: 10, Rev: C, received by the Local Planning Authority on the 16th May 2024.
- Flood Risk Assessment, Prepared June 2023, received by the Local Planning Authority on the 20th June 2023.
- Refurbishment Survey, Prepared by West Coast Surveys April 2023, received by the Local Planning Authority on the 12th February 2024.
- Planning Summary, received by the Local Planning Authority on the 5th March 2024.
- Kitchen Extract Details: EuroSeries (Amended), received by the Local Planning Authority on the 20th March 2024.
- Email from Agent – Fan Extract Details, received by the Local Planning Authority on the 3rd April 2024.
- As Proposed Kitchen Extract (Amended), Scale 1:100, Dwg No: 07, Rev: B, received by the Local Planning Authority on the 17th April 2024.
- Cladding Details: Coastline Composite Cladding, received by the Local Planning Authority on the 3rd April 2024.
- Client/Architect Response to Environmental Health, received by the Local Planning Authority on the 17th April 2024.

Reason

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.

Prior to First Use/Occupation Conditions:

3. Prior to the first use of the property hereby approved the existing opening within the front elevation directly adjacent to 8 South Parade, must be reinstated from a door to a window opening in accordance with the following approved plan:

- As Proposed Plans/Elevations (Amended), Scale 1:50 & 1:100, Dwg No: 10, Rev: C, received by the Local Planning Authority on the 16th May 2024.

The approved opening must be retained as a window for the lifetime of the development.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Other Conditions:

4. The use of the building hereby approved must only be permitted to the public/customers between:

- 7am – 10pm Monday to Sundays (including Bank Holidays)

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

5. Construction site operating hours must only take place between the following hours:

- 08:00am to 18:00pm Monday to Friday; and
- 08:00am to 13:00 Saturdays

No construction works shall take place at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.



Cumberland Council

6. The proposed doors within the front and rear elevation of the property must only be utilised as Fire Exits as detailed within the approved plan 'As Proposed Plans/Elevations (Amended), Scale 1:50 & 1:100, Dwg No: 10, Rev: C, received by the Local Planning Authority on the 16th May 2024'. These openings must not be operated for any other purposes whatsoever.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informative:

In view of the fact that this application could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Units Office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns

Date : 17.05.2024

Authorising Officer: N.J. Hayhurst

Date : 23.05.2024

Dedicated responses to:-