

1369 10/11 SOUTH PARADE, SEASCALE, CUMBRIA

PLANNING APPEAL STATEMENT

GREEN SWALLOW NORTH LIMITED – S Woodall RIBA

This Appeal is being made against a Planning Refusal by the LPA in regards to a Variation of Condition application, following a successful extant permission, for the above premises. The refusal relates to the addition of an additional external door to No 10 South Parade. The reason for refusal is set out below : -

Reason for Refusal

Due to the siting and proximity of the proposed additional entrance to the adjoining neighbouring property, the proposed development is considered to have a significant detrimental impact on the amenity of the occupiers of this residential dwelling through noise disturbance, overlooking and loss of privacy.

Consequently, this proposal would be in conflict with Policies ST1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Approval was originally granted in 2023 for the following works : -

APPLICATION No: 4/23/2174/0F1

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

The Appeal site, prior to the application was a vacant former McColls Convenience Store, serving the community of Seascale. The planning unit consisted on No 10 & 11 South Parade, Seascale and included the ground floor plan and basement areas to the street frontage. The upper two floors are residential bedrooms forming a HMO and serves predominantly Sellafield approximately one mile to the North. The upper floors are in a different ownership.

McColls ceased trading following strong competition from a brand new Coop Convenience Store built closer to the centre of the village and other services. Access to this store avoided the main access road to McColls which is via a blind and narrow tunnel below the railway line a natural restriction.

No 10 & 11 have always traded as separate retail units and historically were independent properties and traded as such. No 11 was extended seawards with a large single storey extension and a further accommodation built above. At an unknown time the ground floor retail units were combined into a larger retail store.

The last use of this site was for McColls as a Convenience Store and due to obvious and natural reasons they chose to access the site off a single trading door angled on the corner of the site. This allowed for improved security and monitoring of customers, common to retail premises across the UK where shoplifting has been on the increase.

The property at the time of purchase was in a significantly decayed condition, with refit works having been completed over 'existing fabric's' without prior consideration of the previous building condition. The building condition was such that the desirability of the retail premises was limited and realistically the only development opportunity lay with an existing retail business with familiarity with Seascale and the community needs.

The building and freehold was purchased by Mawson Dairies of Seascale, to allow expansion of their existing ice cream parlour which was sited only 200m to the South (and uphill) in a non-retail area this being on the lower ground floor of a hotel.

The business traded extremely well and had outgrown it's premises, queues externally in summer months were extensive in a residential area. Moving to larger premises allows expansion and investment by the owners in a prominent trading location in Seascale.

At this current time (post covid) retail trade on the high street has significantly reduced and empty shops in nearby Whitehaven and Egremont indicate the level of uptake and the continuing decline of the High Street.

This development has and will continue to add to Seascale's community assets.

To confirm the Change of use for mixed use has been granted and the building is in full use, it has been an unprecedented success and well used by locals and visitors to Seascale.

This Appeal purely rates the LPA refusal to allow the building owner to have a second trading door on No 10 South Parade to provide functionality to the building and separate users groups within the building.

The LPA are not objecting on Architectural Design matters but instead purely on the impact of a new doorway on the neighbouring residential property. Their refusal is listed below.

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To set out the following relevant points in relation to and prior to the decision being made.

1. The LPA received only one objection from the adjacent neighbour to the proposal
2. The LPA received over 275 letters and e-mails of support
3. The LPA received no objection from the Parish Council
4. The LPA failed to take the planning application to planning committee as the planning officer's view was contrary to the Parish Council's view
5. The apron in front of No 10 was always a retail frontage and historically had an access door into the property
6. There is a postbox on this land therefore the public can and do frequently access this area and it remains as close to the residential property as the new doorway
7. The residential property is situated directly opposite the public car park and toilets for the village as such any perceived nuisance would be minor in comparison to this extant use if a busy seaside location.
8. The residential property objecting is only 20m from the beach therefore footfall from visitors / locals / dog walkers etc is significant and the proposal will not have any material increase in movements.
9. Currently on the North Elevation of No 10 and adjacent to the residential property is a single doorway serving the bakery, a single width doorway serving as Fire Escape to the soft play area in the basement, (for Fire Regulations from a basement this is escape only doorway) therefore not in use except for Emergencies. In addition is a residential doorway accessing the upper floor HMO via the original staircase within the building. The HMO due to the layout and Fire Regulations has a second entrance to the South from the side lane.

Operating in a semi-rural area the business must be multi layered and cover different retail options to suit holiday makers / visitors, local trade and as is the case in rural coastal areas to alter to suit the seasons and weather.

The applicant has invested significant sums in the premises including significant re-works of the existing building to ensure fire separation to the upper floor areas and as such the building needs to work hard to secure the investment.

The shop now trades in-accordance with the 2023 planning consent as mixed retail, café, bakery and soft play and is successful.

The mixed use is not always ideal when trading differing elements and at varied times of the day. Whilst the business is a single entity there are several obvious strands to this that conflicts with the trading requirements of the business.

The bakery is a huge success and trade from a temporary bakery (opened by the applicant in the village to retain staff whilst we experienced delays with the original planning process) has now transferred wholly to this new premise. This serves well the large staff base working at Sellafield (staff and contractors) who require early morning coffees and bakery through to the lunchtime sandwich trade, this being a different user profile than a tourist who may not arrive in Seascale until lunchtime and use the café and soft play.

The purpose of the doorway to No 10 is to split the customer movements, remove the queues from the pavement and allow for an improved customer experience. Importantly it

allows the contractor trade to access the bakery without the need to disturb the café and ice cream parlour users. To this end this is a practical and sensible solution and provides a significant enhancement to the building operation.

The LPA have not provided tangible evidence to support their Refusal which taken individually are :

Noise Disturbance : It is assumed this is not noise emanating from the general operations of the business, as this was previously planning approved. Instead we assume is perceived to be from customers accessing this new door to buy food from the bakery.

The neighbouring property is directly opposite a public car park less than 15m away. Between the property and the car park is a public footpath and main highway accessing residential areas of Seascale. It is 25m away from the beach and high water mark. To the West approximately 30m is the main line railway in an elevated position connecting Carlisle to Barrow.

The above factors will all create significantly louder noise, and this is without even considering the weather, storms and waves given the severely exposed location of the property.

Further to this the existing apron to the building frontage is existing and there is already a postbox and waste bin on this land. There is no change of use of this apron and could be used previously by members of the public accessing the shop.

Overlooking : As stated above, the property is in a very busy tourist area any overlooking of the property occurred prior to the application, whether this was from pedestrians, the highway, the car park or shop users. The proposal does not materially alter this situation and the neighbours property was always sited next to a retail premise. Natural Screening could be considered here if practical (limited plant growth due to the salt air)

Privacy : there is no discernible difference between overlooking and privacy. It is felt that the proposal does not impact on this to a greater extent than the current setting. The neighbour purchased a house in a very prominent location and adjacent to a retail premises. Should they have had concerns over the above they could have purchased other properties in residential areas away from the sea front, public car parks, shop and busy road.

The site is consented for a Change of Use therefore this has occurred and the business is successful. The existing customers have moved with the business to the new site. The premises is a significant community asset and the applicant has invested heavily in the property which was a vacant at the time of purchase.

It is regretful that the neighbour has objected to this application, they have unfortunately taken a personal vendetta against the applicant and they are well known to the authorities for taking this stance. The LPA should they wish can provide further details to the Inspectorate on the neighbours communications with the LPA and other public authorities which can be described only be described as prolific.

In summary the LPA have failed to consider the material facts in relation to determining this application and despite a long and protracted communication with the Applicant and Agent have decided in our opinion unreasonably to refuse the proposal.

Below are attached a few photographs of the building to provide context to the Appeal Statement.



Historic Photograph of No 10 /11 – No 10 edged in blue clearly had a retail frontage and entrance doorway adjacent to the neighbouring property



Pre-development photograph of No 10/11 – projection to No 10 moves retail frontage further away from the neighbouring window. Postbox and waste bin shown in close proximity to neighbouring window.



Post Development photograph, due to cracking the external leaf has been taken down and re-built. New doorway shown to bakery – compliant disabled ramp installed for level access and storm porch to protect from storms / sea on opposite side of carriageway.