

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

Client / Architect response 17 April 2024 in bold

Further to the above planning application and the submission of new information in March 2024.

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

If the officers can remember we asked for a much better and very over the top extract system with extra filters and silencers that was rejected by both EH and the surrounding residents.

We have had a EH visit to site this week and all aspects of on site works are accepted / approved by Environmental Health

- Noise

Impact / air-borne noise of staff and customers in the premises to the occupiers of the adjacent residential premises. **This is a commercial premise and was a retail convenience store prior to this planning application, there is no change in circumstance for the neighbours residential / commercial.**

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 **No furniture will be moved we have fixed layouts, all chairs are aluminium frames to elevate noisy movement and we have concrete floor,** noise from children in the basement play area. **It is in the basement behind concrete walls and fire separated from the ground floor you will not get greater acoustic sound separation materials there will be more noise from the people passing the adjacent house leaving the beach and using the car park,** and from customers chatting with background amplified music in the café seating area **Air borne sound is mitigated through the masonry Party Walls.** 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. **The existing convenience store operated similar trading hours, hours may be reduced in winter months.**

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. **Skeleton staff will arrive on site at approximately 6.50, most arrive at 9.**

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. **Yes for a short period after closing for clean down**

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.

More noise will be omitted from the railway line which operates less than 50m away from the application site

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 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. **It is inappropriate to run the kitchen without the extract, the regulations are guidance not statute.**

The café will open at 10.00 am, so keeping the kitchen extract off until, for example, 09.30 hours would be helpful. **Controlling the use of the extract will restrict the trading hours or risk of smells locally so this is not a practical solution.**

Likewise turning the extract system off in the evening as soon as is practicable upon completion of the opening hours. **There is no intention to use the extract system when not required, so this is common sense and should not form a planning condition**

The amended site plans do not show a defined ice cream preparation area – will the ice cream be prepared on site or off site? **Off site, hence why it is not shown on the plans**

- 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. **This is an electric only site. It is café food and no Air fryers are being used.**

In summary, this application has developed in to a quite intensive proposed multi use of the premises. **Correct, to allow a rural business to be successful it needs to have multi use strands. No comments is made that the existing ice cream parlour will be removed from it's residential location therefore this is a benefit.**

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. **The location of the premise is adjacent to a public car park, play area, fish and chip takeaway, highway,**

railway line and beach as such this is not a quiet location at any time of year (in winter, wind / rain and high tides all impact the silence of the site) and the proposal will not have an impact on the overall setting.

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. **There is only one immediate neighbour and objector which the planning officer is well aware and the scheme is supported by the Parish Council**

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.

Please note and we will quote this many times, this has been done with FULL BUILDING REGS compliance, this is exhaustive in satisfying the concerns raised by EH.

Kevan Buck

Environmental Health Officer - Environmental Health

Public Health & Protection | Cumberland Council

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