

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2247/0B1	
2.	Proposed Development:	VARIATION OF CONDITION 5 TO EXTEND OPENING HOURS OF PLANNING CONSENT 4/21/2032/0F1 CHANGE FOF USE FROM SHOP TO CAFE	
3.	Location:	57 MAIN STREET, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Off Coalfield - Data Subject To Change, 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.	Report:		
	Site and Location		
	This application relates to 57 Main Street, a Grade II Listed Building located within the centre of Egremont town centre and Conservation Area. The site has previously been used as a shop but is now in use as a café.		

Planning History

4/15/2012/0F1 – Change of use of empty shop to a sandwich shop and café serving hot and cold food, eat in and takeaway.

4/15/2011/0L1 – Listed Building consent for works associated with the change of use to A3 café and takeaway.

Proposal

In March 2021, planning permission (ref: 4/21/2032/0F1) was granted to change the use of the property from a shop to a café. This current application seeks to vary condition 5 to extend the approved operation hours secured under planning consent 4/21/2032/0F1.

Condition 5 secures the following operation hours for the site:

5. The use of the property hereby permitted at ground floor level only must only be open to the public/customers between:

- 07:00am – 17:00pm Monday to Friday;
- 07:00am – 17:00pm Saturday;
- 10:00am – 16:00pm Sunday and Bank Holidays.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

The proposed new opening hours would be as follows:-

- 09:00am – 17:00pm Monday to Wednesday;
- 09:00am – 21:00pm Thursday to Saturday;
- 09:00am – 16:00pm Sunday and Bank Holidays.

Consultation Responses

Egremont Town Council

No objections.

Cumberland Council – Highway Authority & Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed variation of condition 5 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.



Cumberland Council

Cumberland Council – Environmental Health

There are no objections to this proposal from Environmental Health.

A premises licence was issued to this café recently and the opening hours on the PL appear to be slightly different to those applied for here.

The PL holder may therefore need to regularise this with the Councils Licensing team.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 4 properties.

Two objectors have submitted six objection letters raising the following concerns with this application:

- Incorrect procedures have been followed with regard to informing the Freeholder of the building. The correct notice has not been served on the owners of the site therefore the variation of planning consent is invalid.
- The landlord has not given permission for any change of use.
- The covering letter attached to the application does not spell out in sufficient detail the intention of the applicant. There is no mention of the combination of additional hours and an alcohol licence hence making the Cafe a Drinking Establishment. The public are not being given enough information here to be able to make an informed decision as to whether to submit an objection this this application or not.
- The current opening hours as contained clause 5 of the current planning consent 4/21/2023/0F1 is sufficient. Any change to the current opening hours would cause further disruption to the residents living in the flat above.
- Would anybody be happy to be disturbed well before 9am every Sunday whilst the shop gets ready to open its doors by 9am?
- The current residents mainly reside there from Monday to Friday but they are on a short-term lease. It will be very difficult to attract future tenants with the proposed opening hours and thereby making this an undesirable property to rent.
- Any provision of an Alcohol licence when combined to the Cafe permitted use of A1 / A3 would make a 'Material' change of use and hence would need planning permission for this Development.
- The freeholder should be the one to grant any further permissions or permitted development at this site.
- Unattractive to any future buyers.
- Unattractive to any future tenants.

- A reduction in the property value due to no's 1 & 2.
- Additional noise to local residents and the residents of 57A.
- Additional waste in the communal area.
- Objection to the licencing application. Objection to extending hours and incorrect information within application.
- The granting of these licences gives the Café owner the potential to go well beyond the "Light dining and drinks in a calm setting" as described in his covering letter to this application.
- The premises has no designated smoking area. We know that drinking and smoking is inextricably linked. If it's raining the customers will migrate to the adjoining passageway to shelter. This is the only accessway to the property upstairs to the cafe. I don't care how young or old you are, having to pass men or women of the target demographic for this establishment having had a few beers or cocktails is intimidating.
- The Landlord and the Freeholder are both unwilling to give our consent prior to the date of application decision. If permission is granted it will compound the civil matter that will incur as a consequence.

Planning Policy

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the



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Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/21/2032/0F1 was determined under the previous Local Plan, however this current variation of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R4: The Key Service Centres

Policy R9: Non-Retail Development in Town Centres

Strategic Policy T1: Tourism Development

Policy SC5: Community and Cultural Facilities

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Asset

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

Cumbria Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/21/2032/0F1), condition 1 will not be repeated or amended as the permission has been implemented. Condition 2 will be amended to reflect the information submitted with this application. Condition 3 will be amended to reflect that this condition had been formally discharged. Conditions 4 will be amended to ensure that works are carried out as per the approved details.

Condition 5 relates to the operation hours for the premises. This current application seeks to vary condition 5 to extend the approved operation hours secured under planning consent 4/21/2032/0F1 to the following:

- 09:00am – 17:00pm Monday to Wednesday;
- 09:00am – 21:00pm Thursday to Saturday;
- 09:00am – 16:00pm Sunday and Bank Holidays.

The proposed hours will slightly reduce the opening of the premises on a Monday to Wednesday and slightly increase the operation hours on a Thursday to Sunday and bank holidays.

The proposed revision to the operation hours are considered acceptable at this town centre premises and are reasonable for the approved use. Whilst concerns have been raised regarding the impact of the proposed operation hours upon residential amenity, the hours are not considered to be excessive. The Council's Environmental Health Officer has also offered no objections to the proposed amendments. The Environmental Health Officer has however noted that the hours approved within the Premises Licence does not match those specified within this planning application. The applicant has been made aware of this and has been advised to follow this matter up with the Licencing team.

Concerns have also been raised that the proposal changes the use of the site from the approved café use. The granting of a Licence to sell alcohol and play music does not however change the use of the site in planning terms.

Questions have also been raised regarding the procedures followed in terms of notice served on the sites owners to notify of the S73 application and the applicants lack of correspondence with the owners regarding the change of use of the site. Based on these concerns the



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	applicant has served further notice on all owners of the site and has updated the application to reflect this. Issues raised regarding the applicant seeking approval for the proposed use from owners are a civil matter which fall outside the planning process. Other issues raised relate to the premise licensing for the site.
8.	Recommendation: Approve
9.	Conditions: 1. – 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- - Location & Block Plans, Scale 1:500 & 1:1250, Drawing No: 2129-01, received by the Local Planning Authority on the 25th January 2021. - Ground Floor Plan & Front Elevation as Existing, Scale 1:50, Drawing No 2129-02, received by the Local Planning Authority on the 25th January 2021. - Ground Floor Plan & Front Elevation as Proposed, Scale 1:50, Drawing No 2129-03, received by the Local Planning Authority on the 25th January 2021. - Proposed Wall Penetration for Water Pipe: Marked up Photographs, Drawing No 2129-04, received by the Local Planning Authority on the 7th February 2021. - Heritage, Design & Access Statement, received by the Local Planning Authority on the 25th January 2021. - Ground Floor Plan & Front Elevation – Sketch Option for Outdoor Seating & Ramp, Scale 1:100, Drawing No 2129-SK02, Rev A, received by the Local Planning Authority on the 25th March 2021. - Email from Agent: Dated 23rd March 2021, received by the Local Planning Authority on the 23rd March 2021. - Application Form (Amended), received by the Local Planning Authority on the 9th October 2025. - Supporting Letter, received by the Local Planning Authority on the 11th July 2025.

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.

3. The development hereby approved must be carried out in accordance with the kitchen layout details and the scheme for extraction approved as part of condition 3 of permission 4/21/2032/0F1, as detailed within correspondence dated 27th May 2021 (ref: 4/21/2167/DOC). The approved kitchen and extraction system must be installed in accordance with the approved details before the use commences and must remain operational thereafter.

Reason

To minimise the risk of nuisance from cooking odours and fumes to neighbouring properties.

4. The operational use of the site hereby permitted shall incorporate all of the approved disabled adaptations detailed within the following approved documents:-
 - Ground Floor Plan & Front Elevation – Sketch Option for Outdoor Seating & Ramp, Scale 1:100, Drawing No 2129-SK02, Rev A, received by the Local Planning Authority on the 25th March 2021.
 - Email from Agent: Dated 23rd March 2021, received by the Local Planning Authority on the 23rd March 2021.

The approved disabled adaptations must be remain operational thereafter.

Reason

To provide an accessible community facility.

5. The use of the property hereby permitted at ground floor level only must only be open to the public/customers between:
 - 09:00am – 17:00pm Monday to Wednesday;
 - 09:00am – 21:00pm Thursday to Saturday;
 - 09:00am – 16:00pm Sunday and Bank Holidays.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

Informatives:

1. Any proposed adverts to be displayed at the premises may require advertisement consent. The applicant is therefore advised to contact the Local Planning Authority (development.control@copeland.gov.uk) to discuss this matter further prior to installation.
2. The two blocks of stone that are required to be removed as part of the development approved under this permission should be retained in a safe place so that they would be capable of being reinstated should the proposed use cease to ensure that any changes to the Listed Building are reversible in the future.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns

Date : 31.10.2025

Authorising Officer: N.J. Hayhurst

Date : 31.10.2025

Dedicated responses to:-