

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2217/0F1	
2.	Proposed Development:	CHANGE OF USE OF PART OF THE GROUND FLOOR FROM DOMESTIC USE TO COMMERCIAL USE; INSTALLATION OF NEW ENTRANCE BY CHANGING AN EXISTING WINDOW TO A SINGLE DOORWAY TO SERVE FIRST FLOOR ACCOMMODATION AND ALTER AND EXISTING WINDOW TO FORM A SERVING HATCH	
3.	Location:	THE FLAT, BEACH SHOP AND CAFE, BEACH ROAD, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC Adverts - ASC;Adverts, SSSI - SSSI, Coal - Standing Advice - Data Subject To Change, Key Species - POTENTIAL AREA for the Small Blue,	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to the residential property attached to the Beach Shop and Café located within the west of St Bees. The site is operated as Beach Road Bakehouse with a residential property accommodated within the eastern portion of the building. Whilst the	

residential use is accommodated over two floors within the property it is known as 'The Flat'. The site is sited adjacent to the Beach Front and is accessed by the Beach Road Car Park, and benefits from parking directly to the front of the site.

Relevant Planning History

No relevant planning history.

Proposal

This application seeks planning permission to change part of the ground floor of the property from a domestic residential use to a commercial use.

The proposed change of use will be within the existing footprint of the property and will extend the use of the existing shop/café. The proposal will incorporate a potwash area, four small storage areas, and a kitchen. It is also proposed to change one of the existing windows within the front elevation of the property to a serving hatch directly from the kitchen.

Part of the ground floor will be utilised as a hall and stairway to provide access to the first floor domestic use which is to be retained at the site. The proposed works will also alter an existing ground floor window within the rear elevation of the property to a door for access. The retained first floor domestic accommodation will incorporate a lounge, kitchen, bathroom, and two bedrooms.

Consultation Responses

St Bees Parish Council

No objections.

Cumberland Council – Highway Authority and 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 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.

Cumberland Council – Environmental Health

There are no objections to this proposal from Environmental Health provided that the first floor domestic flat is fully protected with regards to fire safety and its reduced size complies to the minimum size requirements laid out in the Nationally Described Space Standard –

[Minimum Space Standards for New Homes \[2026 Update\] - Urbanist Architecture - Small Architecture Company London](#)



Cumberland Council

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Cumberland Council – Ecology Team

8th July 2026

The County Ecologist notes that as this property is on the coast there is a possibility of natterjack toad being present. Please could the applicant provide a statement confirming whether natural habitat on the periphery of the property will be impacted or if development will be localised to the existing footprint only? It must be noted also that the *de minimis* exemption threshold for the Biodiversity Gain Condition is 25m².

Additionally, whilst this building is a recent build there are features which could be of interest to bats, such as in the image below. Therefore, as bats are a material planning consideration, a Preliminary Bat Roost Appraisal (PBRA) and any associated further bats surveys required as a result of the PBRA are required prior to this application progressing.

14th July 2026

I've just checked the plans again and with it only being windows (which is the part I missed) there's no problem for bats.

11th August 2026

The County Ecologist accepts the Biodiversity Net Gain Exemption Statement and the Natural Habitat Statement and suggests the following planning condition.

Suggested Planning Condition

Amphibians

During the works, the creation of spoil/rubble/waste piles is to be avoided in order to minimise the risk of amphibians (namely Natterjack toad) using the site. All debris is to be either removed on site prior to night fall or stored on pallets.

Public Representation

This application has been advertised by way of a site notice. No responses have been received to this statutory notification period.

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 Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy E1: Economic Growth

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

Policy R5: Retail and Service Provision in Rural Areas

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards



Cumberland Council

Other Material Planning Considerations

National Planning Policy Framework (2026)

National Planning Practice Guidance (NPPG)

Cumbria Development 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; growth of existing rural business; scale, design and impact of the development; highway safety; flood risk and drainage, and impact on biodiversity and ecology.

Principle of Development

St Bees is identified in Strategic Policy DS1 of the Copeland Local Plan as one of the Local Service Centres which have a supporting role to Copeland's towns containing a broad range of services. These settlements also operate independently from the main towns to meet day to day needs or as a well-connected cluster, linked to a neighbouring town or village of a similar scale by a frequent public transport service and/or safe pedestrian routes a mile or less in length. It is stated that the focus for development in Local Centres will be to support the retention and small scale growth of existing services and businesses, with development focused on existing employment allocations, moderate housing allocations, and windfall and infill developments.

The settlement boundary for St Bees is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The application site is located within the defined settlement boundary for St Bees.

The application seeks to change the use of the ground floor of the existing residential use at this site to allow the expansion of the adjoining commercial business. The first floor will be retained as residential accommodation. The proposal will support the retention and growth of an existing business located within the Local Service Centre. The principle of this development is therefore considered acceptable in accordance with Policies DS1 and DS2 of the Copeland Local Plan and the provisions of the NPPF.

Growth of Existing Rural Business

Strategic Policy E1 of the Copeland Local Plan states the economy of Copeland will be strengthened and broadened to provide a diverse range of employment and economic opportunities that will attract new key industries and provide the flexibility to accommodate existing businesses and new initiatives by; Maintaining, enhancing, regenerating and where appropriate extending the employment base in our towns and settlements in accordance with

the Development Strategy, and supporting the economies of our rural communities; and Helping the economy in rural areas by supporting rural enterprises and rural diversification that will encourage, tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development where appropriate.

Policy R5 of the Copeland Local Plan states that within Local Service Centres, Sustainable Villages and Rural Villages development will be encouraged where it provides small scale retail and service provision that will support and strengthen sustainability and local community viability and is appropriate in scale to its location. Strong emphasis will be placed on the retention of existing provision.

The application relates to the residential property attached to the Beach Road Bakehouse located adjacent to the Beach Front in St Bees. The proposed change of use will allow the existing shop and café to expand its operations whilst retain the residential use at the site. The development therefore complies with Policy E1 and R5 of the Copeland Local Plan and the provisions of the NPPF.

Scale, Design and Impact of the Development

Policy DS4 of the Copeland 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 proposed change of use will be within the existing footprint of the building with minimal external alterations, including the replacement of a front window with a serving hatch and a rear window with an access door. The proposal is therefore not considered to significantly alter the character of the property and therefore will not have an adverse impact on the overall streetscene or surrounding area.

The application site is detached and located a significant distance from any residential property. The nearest property is located approximately 48m to the east of the site and is also a commercial business, Seacote Hotel. The proposed change of use is therefore not considered to have an adverse impact on residential amenity. No representations have been received by members of the public.

No objections have been received from the Council's Environmental Health team providing the first floor flat is fully protected in respect of fire safety and its reduced size complies with minimum size requirements laid out in the Nationally Described Space Standard. Whilst fire safety would be a matter for consideration under the Building Regulations, the agent has confirmed that the first floor flat meets the required space standards.

On this basis, the proposal is considered to comply with Policies DS4 of the Copeland Local Plan, and the provisions of the NPPF.



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Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

The application site is accessed via the Beach Road Car Park and benefits from parking directly to the front of the site. The application does not alter the parking arrangements at this site or within the car park.

The Highway Authority has confirmed that they have no objections to the application as it will not have a material effect on existing highway conditions.

On this basis, the proposal is considered to be compliant with the Policy CO4 and CO7 of the Copeland Local Plan, and provisions of the NPPF.

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1 and is therefore not supported by a Flood Risk Assessment.

The agent has confirmed that the drainage arrangements at the site will remain unaltered. The proposal will not increase impermeable surfacing at the site.

No objections have been received to the application from the LLFA as it is confirmed that the development will not increase the flood risk on the site or elsewhere.

The proposal is therefore considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Ecology and Biodiversity

Policy N1 of the ELP seeks to ensure that new development will protect and enhance

biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 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 N1. This is in addition to any compensatory habitat provided under Policy N1. 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.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is for a change of use with the existing footprint of the building so there will be no or only a de minimis impact on onsite habitat.

Following comments from the Council's Ecologist, the agent has submitted a BNG Exemption Statement and a Natural Habitat Statement. The Council's Ecologist has reviewed this information and has confirmed that they accept the documents but suggests a condition relating to amphibians. This will be included as an informative on any decision notice.

No objections have been received from Natural England.

On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for St Bees, which is identified as a Local Service Centre within the Copeland Local Plan.

The application seeks to change the use of the ground floor of the existing residential use at this site to allow the expansion of the adjoining commercial business, with accommodation retained within the first floor. The proposal will support the retention and growth of an existing business located within the Local Service Centre.

The proposal will include minimal alterations to the external appearance of the building and will therefore not have an adverse impact on the character of the building or the surrounding area. Due to the location of the property the development is not considered to have an adverse impact on residential amenity.

No objections have been received in relation to impact on highway safety, flood risk and drainage, or impact on ecology.

The proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.



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8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions:</u> 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 shall be carried out in accordance with them:- - Application Form, received by the Local Planning Authority on the 1st June 2026. - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 1st June 2026. - Existing Ground and First Floor Plan, Scale 1:100, Drawing No: BRB/2, received by the Local Planning Authority on the 1st June 2026. - Proposed Part Ground and First Floor Plans (Amended), Scale 1:100, Drawing No: BRB/4A, received by the Local Planning Authority on the 10th July 2026. - Existing and Proposed Part Elevations, Scale 1:100, Drawing No: BRB/3, received by the Local Planning Authority on the 1st June 2026. - Supporting Information, received by the Local Planning Authority on the 1st June 2026. - Existing and Proposed East Elevation, Scale 1:100, Drawing No: BRB/5, received by the Local Planning Authority on the 11th July 2026. - Biodiversity Net Gain (BNG) Exemption Report, received by the Local Planning Authority on the 11th July 2026. - Natural Habitat Statement, received by the Local Planning Authority on the 11th

July 2026.

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.

Other Conditions:

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

- 8:00am – 21:00pm 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 Policy DS4 of the Copeland Local Plan 2021 – 2039.

Informative Notes:

1. Biodiversity Net Gain – Exemption Applies

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: Development subject to the de minimis exemption.

2. During the works, the creation of spoil/rubble/waste piles is to be avoided in order to minimise the risk of amphibians (namely Natterjack toad) using the site. All debris is to



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be either removed on site prior to night fall or stored on pallets.

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 : 20.08.2026

Authorising Officer: N.J. Hayhurst

Date : 24/08/2026

Dedicated responses to:- N/A