



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTICE OF GRANT OF PLANNING PERMISSION

Expedite Design Services Ltd
The Design Studio
35 Southernhay East
Exeter
EX1 1NX
FAO: Andrew Aust

APPLICATION No: 4/21/2365/0F1

**ALTERATIONS/REFURBISHMENT AND CHANGE OF USE OF VACANT FORMER WHITTLES FURNITURE STORE TO FORM A COMMUNITY DIGITAL HUB AND CAFE INCLUDING THE CREATION OF A ROOF TERRACE.
6-8 DUKE STREET, WHITEHAVEN**

Energy Coast West Cumbria (Properties) Ltd

The above application dated 17/08/2021 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions:

1. The development hereby permitted shall 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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

- Site Location Plan, scale 1:1250 @A3, reference AS21.35.L.01.00 Rev P1, received 17th August 2021;
- Existing GA Elevations, scale 1:100 @A1, reference AS21.35.L.09.04 Rev P2, received 21st September 2021;
- Proposed GA Elevations, scale 1:100 @A1, reference AS21.35.L.04.00 Rev P3, received 21st September 2021;
- Existing Basement Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.04 Rev P1, received 17th August 2021;
- Existing Ground Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.00 Rev P1, received 17th August 2021;
- Existing First Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.01 Rev P1, received 17th August 2021;
- Existing Second Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.02 Rev P1, received 17th August 2021;
- Existing Third Floor Plan, scale 1:100 @A1, reference AS21.35.L.09.03 Rev P1, received 17th August 2021;
- Proposed Basement Floor Plan, scale 1:100 @A1, reference AS21.35.L.02.04 Rev P2, received 17th August 2021;
- Proposed Ground Floor, scale 1:100 @A1, reference AS21.35.L.02.00 Rev P3, received 21st September 2021;
- Proposed First Floor, scale 1:100 @A1, reference AS21.35.L.02.01 Rev P3, received 21st September 2021;
- Proposed Second Floor Plan, scale 1:100 @A1, reference AS21.35.L.02.02 Rev P3, received 17th August 2021;
- Proposed Third Floor Plan, scale 1:100 @A1, reference AS21.35.L.02.03 Rev P1, received 17th August 2021;
- Design, Access and Planning Statement, received 17th August 2021;
- Visual Building Feature and Fabric Assessment, received 17th August 2021;
- Heritage Statement, Revision A, received 12th October 2021;
- Indicative External Image 1, received 17th August 2021;
- Indicative Internal Image 1, received 17th August 2021;
- Indicative Internal Image 2, received 17th August 2021;
- Indicative Details of PV Array, scale 1:100 @A1, reference AS21.35.L.21.01 Rev P1, received 21st September 2021;
- Indicative Details of Window Head, Door Threshold, Plinth and Terrace Balustrade and Door Threshold, scale 1:10 @A1, reference AS21.35.L.21.00 Rev P1, received 21st September 2021;
- Proposed Floor Plan – Third (Phased Plan), scale 1:100 @A1, reference AS21.35.L.02.04 Rev P1, received 4th November 2021.

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 external finishes of the development hereby permitted shall be carried out in accordance with the details set out in the Design, Access and Planning Statement received by the Local Planning Authority on 17th August 2021.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity and ensure that the character and appearance of the surrounding Conservation Area is preserved and maintained in accordance with Policy DM27 of the Copeland Local Plan.

4. Alterations to the shop front hereby approved shall be carried out in strict accordance with the details illustrated on the approved Proposed Elevation Plan reference AS21.35.L.04.00 Rev P3 received by the Local Planning Authority on 21st September 2021.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity and ensure that the character and appearance of the surrounding Conservation Area is preserved and maintained in accordance with Policy DM27 of the Copeland Local Plan.

Prior to Occupation/First Use Conditions:

5. Prior to their installation, full details and specification of the PV panels that are to be installed on the roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include information on their energy generation to verify the viability of utilising this form of renewable energy system. Development shall be carried out in accordance with the approved details at all times thereafter. The PV panels shall be removed from the roof area once they cease to be operational and the roof surface shall be restored to its previous condition.

Reason

For the avoidance of doubt and to ensure that the impact of the PV panels is minimised to protect the character and appearance of the building and the wider Conservation Area.

6. Prior to the installation of any external lighting on site, details shall be submitted to and approved in writing by the Local Planning Authority. Details of the lighting shall be in accordance with the Guidance Notes for the Reduction of Obtrusive Light

produced by the Institute of Lighting Professionals and shall be maintained as per the approved details at all times thereafter.

Reason

In order to protect occupiers of the surrounding residential properties and in the interests of visual amenity.

7. Prior to the installation of any plant or equipment capable of causing nuisance from noise and vibration, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant and in accordance with British Standard 4142 2014 should be made. Any mitigation measures identified within the noise assessment shall be implemented before the plant or equipment is operational.

Reason

In order to protect the amenity of the occupiers of the surrounding residential properties.

8. Prior to their installation, full details of any CCTV equipment to be used on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason

In the interest of visual amenity.

Construction:

9. During the construction phase, development shall take place during the following hours and at no other times whatsoever:
Monday to Friday – 08:00 – 18:00
Saturday – 08:00 – 13:00

Reason

In order to ensure a reasonable standard of amenity for the surrounding properties.

Restricting Use:

10. The use of the roof terrace shall be restricted to a seating/amenity area which is ancillary to the main use of the building and shall not extend outside the area highlighted as ' Zone B' and must not include the area shown as 'Zone A' on the approved Proposed Third Floor Plan reference AS21.35.L.02.04 Rev P1 received by the Local Planning Authority on 4th November 2021.

Reason

To minimise potential disturbance to nearby residents as a result of noise.

11. There shall be no operational use of the roof terrace hereby approved between the houses of 21:00 and 09:00 on any day.

Reason

To minimise potential disturbance to nearby residents as a result of noise.

12. The café use hereby approved shall only open to the public between the hours of Monday to Sunday 08:00 to 22:00.

Reason

In the interest of neighbouring amenity.

Informative Note

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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.

Approve

Please read the accompanying notice

A handwritten signature in black ink, appearing to read "N. J. Hayman". The signature is fluid and cursive, with a long, sweeping tail.

PP Pat Graham
Chief Executive

24th November 2021

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.