

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Vagdia and Holmes - Chartered Architects  
12A Coventry Canal Basin  
St Nicholas Street  
Coventry  
CV1 4LY  
FAO: Mr Jason Brooks

**APPLICATION No: 4/22/2297/0F1**

**CONVERSION & ALTERATIONS TO THE FORMER MEDICAL SURGERY TO CREATE 3 NO. NEW RESIDENTIAL APARTMENTS; DEMOLITION OF EXISTING GARAGE TO THE REAR & THE ERECTION OF A NEW DWELLING ON SITE OF DEMOLISHED GARAGE ALONG WITH ASSOCIATED CAR PARKING AREA AND GARDENS  
TRINITY HOUSE SURGERY, 17 IRISH STREET, WHITEHAVEN**

**Birchtree Developments Ltd**

The above application dated 12/07/2022 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, drawing number 1954-LP-001, received 12<sup>th</sup> July 2022;  
Proposed Site Plan, scale 1:100, drawing number 1954-SK-005E, received 26<sup>th</sup> September 2022;  
Proposed Site Plan (amenity space), scale 1:100, drawing number 1954-SK-007A, received 12<sup>th</sup> July 2022;  
Proposed Floor Plans, scale 1:100, drawing number 1954-SK-004F, received 26<sup>th</sup> September 2022;  
Coal Mining Report, received 12<sup>th</sup> July 2022;  
Heritage and Planning Statement, Revision A, written by Vagdia and Holmes, received 12<sup>th</sup> July 2022,  
Sash Window Details, scale 1:5, drawing number 1574-DD-008A, received 28<sup>th</sup> September 2022;  
Wetherby Render System, received 26<sup>th</sup> September 2022;  
Conservation Rooflight Specification, The Rooflight Company, received 26<sup>th</sup> September 2022;  
Paving specifications – Heritage Paving, received 26<sup>th</sup> September 2022;  
Pipes and gutters specifications, received 26<sup>th</sup> September 2022;  
Design and Access Statement, written by Vagdia and Holmes, received 12<sup>th</sup> July 2022.

#### 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.

#### Prior to Demolition Condition

3. Prior to the demolition of the Coach House at the rear of 17 Irish Street, an Arboricultural Impact Assessment complying with the British Standard – BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations – assessing the above ground and below ground impacts of the proposed development on the adjacent trees must be submitted to and approved in writing by the Local Planning Authority. This must also include a plan showing how the trees will be protected during the demolition and construction phases. It must also include any tree work necessary to facilitate the development. Development shall be carried out in accordance with the approved details at all times thereafter.

#### Reason

In order to ensure that the trees are protected where possible in accordance with Policies ENV3 and DM28 of the Copeland Local Plan.

#### Prior to Occupation Conditions

4. Prior to its first use on the development hereby approved, samples and details of the render materials to be used in the construction of the external surfaces of the development must be submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

##### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policies DM10, ENV4 and DM27 of the Copeland Local Plan.

5. Prior to the first occupation of the development hereby approved, visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge must be provided to show the junction of the access road with the county highway.

##### Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Prior to the first occupation of the dwellings hereby approved, the vehicular crossing over the footway, including the lowering of kerbs must be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

##### Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

#### Other Conditions

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement must be carried out to the dwellings, nor must any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

#### Reason

To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policies ENV4, DM10 and DM27 of the Copeland Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind must be erected, parked or placed and no trees, bushes or other plants must be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

#### Reason

To ensure that the access and egress is safe for all users in accordance with Policy DM22 of the Copeland Local Plan.

#### Informative

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal

mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://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.

Please read the accompanying notice

19<sup>th</sup> October 2022



PP Pat Graham  
Chief Executive

**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](mailto: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.