

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Mr Jonathon Crossley  
37 The Oval  
Whitehaven  
Cumbria  
CA28 9TD

**APPLICATION No: 4/22/2449/0F1**

**CHANGE OF USE OF GROUND FLOOR FROM SHOP INTO A COCKTAIL BAR  
38 STRAND STREET, WHITEHAVEN**

**Mr Jonathon Crossley**

The above application dated 14/11/2022 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:

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, received 14th November 2022;  
Proposed Plans, scale 1:50, received 14th November 2022;  
Elevations, received 14th November 2022;  
Noise Management Plan, received 13th January 2023.

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 and operation must be carried out at all times in accordance with the Noise Management Plan submitted on 13<sup>th</sup> January 2023 and written by Mr Jonathan Crossley.

Reason

To ensure that the amenity of the neighbouring properties is protected and in accordance with Policy ST1 of the Copeland Local Plan.

4. The upper floors at 38 Strand Street must not be sold, let or otherwise used except in conjunction with the cocktail bar on the ground floor at any times during the lifetime of the development.

Reason

To ensure that unacceptable noise and amenity issues are not created for local residents and in accordance with Policy ST1 of the Copeland Local Plan.

5. The use hereby permitted must not be open to the public / customers outside the following times:

Friday, Saturday and Sunday – 12:00 – 21:00

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality and in accordance with Policy ST1 of the Copeland Local Plan.

6. The replacement doors must be of timber construction and retained as such at all times.

Reason

To protect the appearance of the Conservation Area in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

### **Informative Note**

The use of the ground floor of the premises as a bar should not commence until the applicant has secured a Premises Licence, in accordance with requirements of the Licensing Act 2003, from the Council.

### **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

A handwritten signature in black ink, appearing to read 'N. S. Hayhurst'.

Nick Hayhurst  
Head of Planning and Place

20<sup>th</sup> January 2023

**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.