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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

RNJ Partnership  
2 Diamond Court  
Newcastle  
NE3 2EN  
FAO: Mr Ryan Towler

**APPLICATION No: 4/23/2236/0F1**

**DECONSTRUCT AN SECTION OF EXISTING OUTER LEAF BRICKWORK TO REAR ELEVATION AND PARAPET WALL THAT FORMS PART OF THE REAR ELEVATIONS TO ALL GROUND FLOOR FLATS (62-76 DUKE STREET) AND WALKWAY ACCESS TO THE FIRST FLOOR MAISONETTES. THE PARAPET AND SECTION OF THE REAR ELEVATION OUTER LEAF IS TO BE DECONSTRUCTED DUE TO THE BRICKWORK BOWING & BECOMING UNSAFE. THE OUTER LEAF BRICKWORK IS TO BE REBUILT WITH BLOCKWORK AND THEN ROUGHCAST RENDER APPLIED TO THE GROUND FLOOR AND PARAPET WALL ONLY.  
62-76 DUKE STREET, WHITEHAVEN**

**RNJ Partnership**

The above application dated 15/08/2023 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: -

Application form, received 21<sup>st</sup> November 2023;  
Site Location Plan, scale 1:1250, received 21<sup>st</sup> November 2023;  
Site and Block Plan, scales 1:1250 and 1:500, drawing number BS/23/11/04, received 21<sup>st</sup> November 2023;  
Existing and Proposed Rear Elevations, scales 1:50 and 1:200, drawing number BS/23/11/01A, received 21<sup>st</sup> November 2023;  
Section through Walkway Parapet, scale 1:20, drawing number BS/23/11/02A, received 21<sup>st</sup> November 2023;  
Repairs to Walkway Parapet, scale 1:5, drawing number BS/23/11/03A, received 21<sup>st</sup> November 2023;  
Specification, document number BS/23/11, received 21<sup>st</sup> November 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. Prior to their first use on the development hereby approved, a sample of the facing bricks to be used must be submitted to and approved in writing by the Local Planning Authority. Development must be undertaken in accordance with the approved specifications and retained as such at all times thereafter.

Reason

In order to ensure that the character of the building is retained within the Conservation Area and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

**Conditions:**

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### **Informative Note**

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

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for 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 permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

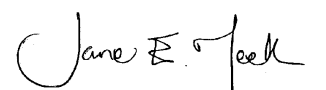
#### Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. 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



Jane Meek

Assistant Director

Thriving Place and Investment

19<sup>th</sup> January 2024

**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/appeal-planning-decision> . 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.