

**PLANNING DECISION NOTICE
BOLTON COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE PLANNING PERMISSION

Agent: **Mr M McLoughlin**
8 Ty Brith Gardens
Usk
NP15 1BY

Applicant: **Mr J Taylor**
46 The Hollins
Bolton
BL4 0LF

Part 1 - Particulars of the Application

Application Number: **12192/21**
Date of Application: **13 September**
2021

Proposed: **OUTLINE APPLICATION FOR DEMOLITION OF BUILDINGS AND STRUCTURES AND ERECTION OF A DWELLING.**

Location: **TIMBERYARD AND SAWMILL, HOLLINS, PLODDER LANE, BOLTON, BL4 0LF**

Part 2 - Particulars of Decision

The Bolton Metropolitan Borough Council hereby give notice in pursuance of the above mentioned Regulations **permission has been granted** for the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions to be satisfied before the approved development is Commenced

- 1 Application for the approval of 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from the date of this permission, or
- ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

To application is for outline planning permission and these matters were reserved by the applicant for subsequent approval.

Conditions to be satisfied before the use or building work starting

3 Prior to the commencement of the development:-

- A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, property and/or the wider environment; and
- The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority. The approved remedial works shall be incorporated into the development during the course of construction and completed prior to occupation of the development or the development being first brought into use; and

Prior to first use/occupation of the development hereby approved:

- A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

Reason for Pre-Commencement Condition:

Any works on site could affect contamination which may be present and hinder the effective remediation of any contamination causing a risk to the health of future occupiers and harm to the environment, hence the initial investigation must be carried out prior to the commencement of any works on site.

4 The reserved matters submission shall include a scheme which specifies the provision to be made to protect future occupants against externally generated noise including any mitigation which is required to ensure the approved dwelling is compatible with the adjoining land uses. The approved scheme shall be implemented in full before the development is first brought into use and retained thereafter.

Reason

To minimise impact of noise disturbance on the residential amenity of the area and to comply with Core Strategy policy CG4.

5 Prior to the commencement of all work, including demolition, a Biodiversity Enhancement Plan including an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved timetable alternative and retained thereafter.

Reason

To comply with Core Strategy CG1 and guidance contained within the National Planning Policy Framework.

Conditions always relevant to the use or development

- 6 The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Sawmill - Plodder Lane - Site Plan, scanned to file 13/09/21.

Reason

For the avoidance of doubt and in the interests of proper planning.

Informative notes

It is likely that you will be required to give notice to the Head of Building Control in the Environment Department under Section 80 of the Building Act 1984. You are strongly advised not to proceed with any works of demolition until you have cleared the position with the Head of Building Control.

Your attention is drawn to the fact that planning permission does not override any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent from the owner.

Planning permission has been granted subject to the conditions listed above as being in compliance with Bolton's Unitary Development Plan, having had regard to the adopted and emerging policies and supplementary guidance detailed above.

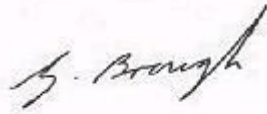
The proposed development lies within a coal mining area, which could be subject to hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Applicants must take account of these hazards, plus those beyond the application site, which could affect stability, health and safety or cause adverse environmental impacts during the carrying out of their proposal and seek specialist advice where required. Developers must also consider the potential of mine gases and gas prevention measures must be adopted during construction where there is such a risk. Developers must seek written permission from the Coal Authority before undertaking any intrusive activities that intersect, disturb or enter any coal seams, coal mine workings or coal mine shafts and adits. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on any past, current and proposed surface and underground coal mining activity and any other ground stability information must be obtained from the Coal Authority in order to make an assessment of the risk. This information can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Applicants are advised it is a criminal offence to disturb any wild bird listed in schedule 1 of the Wildlife and Countryside Act while it is (a) nest building, (b) at a nest containing eggs or young, or (c) there is a dependent young bird at the nest. The typical nesting period for British birds is mid-February to mid-July though this can begin earlier and run later. Typical affected habitats include scrub grassland and any sites containing trees, but applicants are advised that birds may nest in any location that suits them.

Your attention is drawn to the consultation responses received from the Council's Highways Engineers. Future reserved matters submission should make provision for compliance with the Council's Highways Engineers requirements which are as follows:

Plodder Lane / site access to be a minimum width of 3 metres;
Compliance with the Council's maximum car parking standards;
Turning provision within the site curtilage to allow a vehicle to enter and leave in forward gear;
Visibility splays - Access / Plodder Lane - 2.4m x 43.0m x 1.05/2.0m and Access / Back of footway - 2.4m x 2.4m x 0.6/2.0m

Date of Decision: **25/04/2022**



Signed: Gerry Brough
Director of Place

Important Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

GREATER MANCHESTER ACT 1981

Notice is given in accordance with Section 63, Greater Manchester Act 1981, that consideration will be given to means of access for the fire brigade in appropriate cases where plans are deposited for building regulations approval.

APPEALS TO THE FIRST SECRETARY OF STATE

If you are aggrieved by the decision of your Local Planning Authority to refuse permission or to grant it subject to conditions, then you can appeal to the First Secretary of State, **please note that only the applicant possesses the right of appeal.**

If you want to appeal, then you must do so within six months (8 weeks for advertisements) of the receipt of this notice, using the appropriate form which you can get from Planning Inspectorate, Customer Services, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel: 0303 444 00 00. Appeals can also be made online at <https://www.gov.uk/government/organisations/planning-inspectorate>. If the local planning authority has served an Enforcement Notice against the development hereby refused, you must appeal within 28 days of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him/her that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him/her.

Copies of Appeal forms for the attention of the Council should be sent to Development and Regeneration, Development Management, Town Hall, Bolton, BL1 1RU or email Planning.Control@bolton.gov.uk.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she 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 on whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed for the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.