

**PLANNING DECISION NOTICE  
BOLTON COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING PERMISSION

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Agent: **Mr N Butterworth**  
**89 Higher Ainsworth Road**  
**Radcliffe**  
**Manchester**  
**M26 4JJ**

Applicant: **Mrs S Marriot**  
**5 Greenthorn Close**  
**Edgworth**  
**Bolton**  
**BL7 0BL**

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Part 1 - Particulars of the Application

Application Number: **07688/20**  
Date of Application: **20 January 2020**

Proposed: **ERECTION OF TWO STOREY DWELLING ATTACHED TO SIDE OF EXISTING DWELLING**

Location: **48 THE CRESCENT, BROMLEY CROSS, BOLTON, BL7 9JR**

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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 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Conditions to be satisfied before the use or building work starting**

- 2 No development shall commence unless and until: -
- i) A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - ii) Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, an agreed detailed site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment shall be presented and approved by the Local Planning Authority. This shall include include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

iii) Where remediation/protection measures is/are required, a detailed Remediation Strategy 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;

iii) Any additional or unforeseen contamination encountered during development of each phase shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority; and

Upon completion of any approved remediation schemes, and prior to occupation of the development:

iv) A completion report for that phase of development demonstrating that the scheme has been appropriately implemented for the relevant phase and the phase is suitable for its intended end use shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and following LCRM guidelines and 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.

- 3 Prior to the commencement of development full details of the highway works at no.48 The Crescent and the new development comprising of the extension and additional vehicle access crossing (VAC) to facilitate access to the amended parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being first brought into use and retained thereafter.

Reason

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document "Accessibility, Transport and Road Safety".

Reason for pre-commencement condition

To ensure that sufficient parking provisions are provided within the site before the loss of the existing parking due to the approved works.

### **Conditions to be satisfied before the approved development is first used or completed**

- 4 No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

Prior to the development being first brought into use or occupied a verification report including soil

descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the site is safe for use and in order to comply with Core Strategy policy CG4.

- 5 Before the approved development is first brought into use no less than 2 car parking spaces in accordance with the approved plan (drawing ref **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20**). Such spaces shall be made available for the parking of cars at all times (the premises are in use).

Reason

To ensure that adequate provision is made for vehicles to be left clear of the highway and in order to comply with Bolton's Core Strategy policies S1, P5 and Appendix 3

- 6 Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

## Conditions always relevant to the use or development

- 7 The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan ref: **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20**.

Reason

For the avoidance of doubt as to what is permitted and in order to comply with Bolton's Core Strategy policy CG3

- 8 The passageway shown on the approved drawing ref: **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20** shall be made available at all times for rear access to no. 48 The Crescent and retained thereafter.

Reason

To safeguard the amenity of neighbouring residents and to allow occupiers of no. 48 The Crescent access to store refuse bins to the rear of the property on non-collection days and to comply with Core Strategy policy CG4.

- 9 The curtilage of the property is being treated for planning purposes as that defined on the approved drawing ref: **Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20.**

Reason

For the avoidance of doubt as to what is permitted.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions (other than those expressly authorised by this permission) shall be constructed on the rear elevation of the dwellinghouse hereby approved.

Reason

To safeguard the amenity of neighbouring residents at no. 48 The Crescent as the plot size is limited and any extension to the rear would result in an unsatisfactory scheme and to comply with Core Strategy policy CG4.

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

**Proposed Plans & Elevations - Drawing number 2B, Date drawn 12.03.20**

Reason

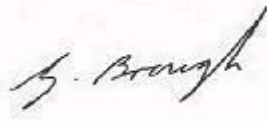
For the avoidance of doubt and in the interests of proper planning.

## Informative notes

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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](http://www.groundstability.com).

Date of Decision: **23/04/2020**



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](mailto: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.