

## Outline Planning Permission

Name and Address of Applicant

J & A Walker Kirkless Ltd  
FAO Mr Andrew Walker  
Ballagawne Farm  
Peel Road  
Kirk Michael  
Isle Of Man  
IM6 1HL

Name and Address of Agent (if any)

Mott MacDonald Ltd  
FAO Steve Birnie  
Spring Bank House  
33 Stamford Street  
Altrincham  
WA14 1ES

### Part I - Particulars of Application

Date of Application: 14th July 2015

Application no: A/15/81125/OUTMES

Particulars and Location of Development:

Outline application for residential development of 300 dwellings. All Matters Reserved except access from Cale Lane

Kirkless Industrial Estate Cale Lane Aspull

### Part II - Particulars of Decision.

Wigan Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 2004 that **permission has been granted** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted.

#### Consent is granted subject to the following conditions:

1. (i) Any reserved matters application for approval must be made not later than the expiration of three years beginning with the date of this permission and,  
(ii) The development must be begun not later than 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.
2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on plan reference; MMD-341331-En-GIS-001 and MMD-341331-T-DR-00-XX-0001 Rev P2.

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3. Any application for the approval of reserved matters in respect of layout, scale or appearance of any development within 50 metres of the canal shall be accompanied by a Heritage Statement and Assessment to demonstrate how the development will protect the character and setting of the listed canal locks and bridge, along with a detailed methodology for all construction works adjacent to the canal, including full details of the design and method of construction of foundations and appropriate standoff distances for plant and machinery. The development shall thereafter only be carried out in accordance with the agreed details.
4. Prior to the commencement of any phase of the development (as previously notified to and agreed in writing by the Local Planning Authority), an investigation and assessment of the nature and extent of any contamination of the site shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority. The assessment shall identify any remedial measures required to deal with any hazards identified and such measures shall be implemented in full and a validation report submitted to and approved in writing by the Local Planning Authority before the occupation of any of the buildings hereby permitted.
5. Prior to the commencement of any phase of the development (as previously notified to and agreed in writing by the Local Planning Authority), except for site remediation and clearance works, a scheme for the disposal of foul and surface waters from the site based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for the subsequent long-term maintenance and management of any sustainable drainage features. The development shall be completed, maintained and managed in accordance with the approved details.
6. Prior to the commencement of any part of the development hereby approved, details of the provision for the storage of building materials, equipment and plant, and the placement of site cabins, site offices and storage containers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and shall be maintained at all times until the completion of the development.
7. Any application for the approval of reserved matters in respect of layout shall be accompanied by the following information for that part of the site:
  - (i) a full site survey showing:
    - the datum used to calibrate the site levels
    - levels along all site boundaries
    - levels across the site at regular intervals
  - (ii) full details of the proposed finished floor levels of all buildings and proposed levels for external areas including gardens and hardstandings.The development shall be implemented only in full accordance with the approved details
8. Any application for the approval of reserved matters in respect of layout or landscaping shall be accompanied by a report to demonstrate how the adjacent Kirkless Lane Site of Biological Importance will be protected during development operations, and how adequate precautions to identify and mitigate the present of and impacts on amphibians and bats within the site will be implemented.

9. No development hereby approved shall be commenced until a scheme of works to improve pedestrian safety on Cale Lane Canal Bridge has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
- (1) Signage and road markings on the Highway giving priority movement to vehicles approaching the bridge from the west; and
  - (2) Road markings on the bridge to indicate the presence of pedestrians.

The duly approved scheme shall be implemented prior to the commencement of the development hereby approved to the full satisfaction of the Local Planning Authority and shall be subsequently maintained in perpetuity.

10. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellings hereby approved, or in accordance with a timeframe that has been previously agreed in writing by the Local Planning Authority. The Travel Plan shall show measures to reduce the need to travel to and from the site by private transport and the timing of such measures. The approved Travel Plan shall be implemented in accordance with the details as approved. The plan shall be maintained and kept up to date at all times, and shall take into account any change in circumstances, such as a change to the occupier of the site.
11. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts, and include details of construction vehicle movement times. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, and shall be maintained for the duration of the construction works.
12. Any application for the approval of reserved matters in respect of layout, scale or appearance shall be accompanied by details of measures to protect the proposed dwellings from noise from industrial premises to the north and west of the site and other existing noise sources in the vicinity. No individual dwelling shall be first occupied until the mitigation measures in relation to that property, as approved in writing by the Local Planning Authority, have been fully implemented. Those measures shall be retained thereafter.
13. Prior to the commencement of any development, a Coal Mining Risk Assessment to undertake intrusive site investigation works, detailing the mining position and any structural precautions which may be necessary, including how the foundations of the buildings shall be re-inforced, the buildings strengthened and the ground forming the site treated, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.
14. Prior to the commencement of development (including the demolition of any existing building, the clearance of the site, or the remediation of any contamination) a Business Relocation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved Business Relocation Strategy shall thereafter be implemented in full.

The first Reserved Matters application shall include a Business Relocation Strategy Implementation Report which shall set out the steps that have been undertaken to implement the Business Relocation Strategy for the site and shall demonstrate that all existing business for that phase of development have been offered an opportunity to relocate in accordance with the terms of the Business Relocation Strategy. Subsequent Reserved Matters applications shall be accompanied by a further Business Relocation Strategy for that part of the site.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended)
2. For the avoidance of doubt, and having regard to Policy CP10 of the Wigan Local Plan Core Strategy.
3. To ensure protection of the canal, having regard to Policies CP7, CP10, and CP17 of the Wigan Local Plan Core Strategy and Wigan UDP Policy C1F.
4. To prevent the pollution of controlled waters and to ensure that any contamination is investigated and treated to the satisfaction of the Local Planning Authority, during the carrying out of the development as required by Policy CP17 of the Wigan Local Plan Core Strategy and Policy EV1B of the replacement Wigan UDP.
5. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policies CP10 and CP17 of the Wigan Local Plan Core Strategy.
6. To ensure that construction materials, equipment and associated structures are not sited where they will cause detriment to the amenity of the area, having regard to Policies CP7 and CP17 of the Wigan Local Plan Core Strategy.
7. To ensure that the details of the development are satisfactory, having regard to Policies CP10 and CP17 of the Wigan Local Plan Core Strategy.
8. In order to ensure the protection of features and species of ecological interest, having regard to Policy CP12 of the Wigan Local Plan Core Strategy.
9. To provide for the safety and convenience of users of the highway, having regard to Policies CP7, CP10 and CP17 of the Wigan Local Plan Core Strategy.
10. To reduce the need to travel to and from the site by private vehicle and in order to promote sustainable modes of travel to and from the site having regard to Policy CP7 of the Wigan Local Plan Core Strategy and the Council's Travel Plans Supplementary Planning Document .
11. Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area generally, having regard to Policy CP17 of the Wigan Local Plan Core Strategy.
12. To provide an acceptable level of noise both within the proposed dwellings and the residential area generally, having regard to Policy CP17 of the Wigan Local Plan Core Strategy.
13. Prior approval of such details is necessary since they are fundamental to the initial site preparation works and form of the development and to ensure that adequate precautions are taken to safeguard against the effects of mining operations, having regard to Policy CP17 of the Wigan Local Plan Core Strategy.

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14. In order to secure the implementation of mitigation measures to minimise the harm arising from the loss of the existing employment area in accordance with Policy CP 5 of the Wigan Core Strategy.

**Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

1. The Local Planning Authority has worked in a positive and proactive manner with the applicant to identify solutions to ensure the proposal comprises sustainable development in accordance with the NPPF and complies with the development plan.

**Informative**

1. Attention is drawn to the following information from the Local Authority. It is relevant to all proposals involving new build development. The proposed development lies within a coal mining area. In the circumstances when carrying out of their proposals applicants should take account of any coal mining hazards relating to stability, health and safety or adverse environmental impacts. This includes considering the potential for existing property and new development to be affected by mine gas. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal seams, coal mine workings or coal mine entries (shafts and adits) and the implementation of site investigations or other works. Failure to obtain such authority is trespass with the potential for court action. Developers must obtain property specific summary information from the Coal Authority on any past, current and proposed surface and underground coal mining activity and other ground stability information that could affect the development. Further information can be found at [www.coal.gov.uk/services/planning/index.cfm](http://www.coal.gov.uk/services/planning/index.cfm). The Coal Authority's Property Search Service can be contacted on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).
2. You are advised that this development may be subject to the requirements of the Building Regulations 2000. In this case you will need to meet the specific requirements of Approved Document M (2004 Edition) "Access to and use of buildings".  
The Building Regulations application must include an Access Statement showing your commitment to inclusive design at an early stage.  
For further design guidance refer to British Standard 8300:2001 "Design of buildings and their approaches to meet the needs of disabled people".  
You are also advised that the Disability Discrimination Act 1995 requires service providers to take reasonable steps to overcome any physical barriers which continue to make their services impossible or unreasonably difficult for disabled people to use. For further information on this please contact the Disability Rights Commission at: [www.drc-gb.org](http://www.drc-gb.org)

3. The applicant is advised that the grant of planning permission does not confer any right to enter onto or to carry out work(s) on, over or under land over which they do not have control, or have the landowners consent.

Date of decision  
25th October 2017

Signed \_\_\_\_\_  
on behalf of the Council

## NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Department for Communities and Local Government in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Department for Communities and Local Government has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Department for Communities and Local Government is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
2. If permission to develop the land is refused or granted subject to conditions, whether by the local planning authority or by the Department for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Department for Communities and Local Government on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.  
(a) The statutory requirements are those set out in section 78 of the Town and Country Planning Act 1990, namely sections 70, 71 and 72 of the Act.

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