

## Planning Permission

Name and Address of Applicant  
Mr Anthony Edwards  
23 Powell Street  
Wigan  
WN1 1XD

Name and Address of Agent (if any)  
Concept Planning  
Mr James Clark  
19 The Brambles  
Prospect Road  
St. Albans  
AL1 2DP

### Part I - Particulars of Application

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Date of Application : 2nd July 2021

Application no : A/21/91663/FULL

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#### Particulars and Location of Development:

Change of use to create house of multiple occupation consisting of 2 units (20 bedrooms in total) with communal facilities, two self contained apartments and one 5 bed flat with ancillary facilities, together with upper floor extension to create second floor, creation of roof terrace and elevation alterations including the removal of the shopfront to the front

23 Powell Street Wigan WN1 1XD

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### 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. The development hereby approved must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details indicated on plan reference

A012 - PROPOSED ELEVATIONS  
A013- PROPOSED REAR ELEVATIONS  
A003 - PROPOSED GROUND FLOOR PLAN  
A007 - PROPOSED FIRST FLOOR PLAN

## A015 - PROPOSED SECOND FLOOR PLAN

3. Prior to the commencement in the construction of any external walls, particulars or samples of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in full accordance with the approved materials.
4. The proposed development must proceed in strict accordance with the submitted Flood Risk Assessment, prepared by Ashfield Solutions Group, reference 94318-F01, dated 8th May 2018 and the development retained as such thereafter.
5. Full details of the method of discharging surface water must be submitted for approval prior to commencement of work on site including calculations showing existing and proposed rates.
6. Prior to the commencement of the construction of any dwellings hereby approved, or commencement in use of any residential accommodation an assessment of the nature and extent of noise affecting the residential development site shall be submitted to and approved in writing by the local planning authority. The assessment shall be carried out in accordance with a methodology which has been previously agreed in writing with the local planning authority and shall identify mitigation measures required to protect the development. The approved mitigation measures shall be implemented in full before first occupation of the dwellings and shall be retained thereafter.
7. The use of the development hereby approved shall not commence until a scheme of insulation of the Party wall with 21 Powell Street. has been implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be retained thereafter.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt and to ensure a satisfactory standard of development, in accordance with the policies contained within the Wigan Local Plan Core Strategy, the saved policies of the Wigan Replacement Unitary Development Plan and the revised National Planning Policy Framework.
3. To ensure that the external appearance of the buildings is satisfactory, having regard to Policy CP10 of the Wigan Local Plan Core Strategy.
4. To ensure that the site is satisfactorily drained, having regard to Policies CP16 and CP17 of the Wigan Local Plan Core Strategy.
5. To ensure that the site is satisfactorily drained, having regard to Policies CP16 and CP17 of the Wigan Local Plan Core Strategy.

6. To minimise the impact of noise on the future occupants of the development, having regard to Policy CP17 of the Wigan Local Plan Core Strategy and Policy EV1B of the Replacement Wigan UDP.
7. To minimise the impact of noise on the future occupants of the development, having regard to Policy CP17 of the Wigan Local Plan Core Strategy and Policy EV1B of the Replacement Wigan UDP.

**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.
4. The proposed development is in close proximity to the main River Douglas. Although the proposed development does not include any extensions which extend towards the main river, it is likely that enabling works will be required, such as scaffolding, in close proximity to the channel. Under Environmental Permitting (England and Wales) Regulations 2016, a permit must be obtained for any activities which will take place:
  - . On or within 8 metres of a main river (16 metres if tidal)
  - . On or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - . On or within 16 metres of a sea defence
  - . Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - . In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit [www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits](http://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits) or contact our National Customer Contact Centre on 03702 422549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Should you have any queries regarding this response, please do not hesitate to contact us at [SPPlanning.RFH@environment-agency.gov.uk](mailto:SPPlanning.RFH@environment-agency.gov.uk)

5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)



Date of decision  
28th September 2021

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

## NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant permission or approve subject to conditions, he may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the Town and Country Planning Appeals (Written Representations Procedure) (England) Regulations 2009.

If the applicant wants to appeal against the local planning authority's decision he must do so within **6 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 Secretary of State 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 Secretary of State 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 Secretary of State, 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 VI 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.

## IMPORTANT NOTICE

**Discharging planning conditions** - Information is available on our website to explain the process this can be accessed via the following link:

<http://www.wigan.gov.uk/Resident/Planning-and-Building-Control/Planning/Apply.aspx>

These documents grant approval of your application submitted under the Town and Country Planning Act 1990 only and do not imply the Council's approval to any other consents which may be required. It is your responsibility to obtain any such other consents.

**Street naming and numbering** is a legal function of the council to allocate numbers and road names to new developments and conversions

Information is available on our website to explain the process for requesting postal addresses and street names this can be accessed via the following link:

<http://www.wigan.gov.uk/Resident/Planning-and-Building-Control/Planning/Street-naming/index.aspx>

**This is NOT a consent under the  
Building Regulations.**

Before commencing work you should ensure that approval is obtained under the Building Regulations 2000 and/or any other Act.

Please note that different time limits for starting development usually apply to Planning Permission and approval under the Building Regulations. If Building Regulation works are not commenced within 3 years from the date of deposit, a new application must be made.