



CHORLTON PLANNING LTD

Town Planning & Development Consultants

**APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR
EXISTING DEVELOPMENT IN RELATION TO PLANNING
APPLICATION 17/00886/FUL FOR DEMOLITION OF EXISTING
REAR EXTENSION AND ERECTION OF NEW TWO STOREY REAR
EXTENSION TO PROVIDE 40 BEDROOMS, INCLUDING
REALIGNMENT OF SITE ACCESS AND FORMATION OF
ADDITIONAL CAR PARKING SPACES (RESUBMISSION OF
15/1457/FUL)**

HIGHFIELD HOUSE, MANCHESTER ROAD, HEYWOOD, OL10 2AN

SUPPORTING INFORMATION

Prepared by Chorlton Planning Ltd

on behalf of

Mr A Spencer

**A:2096
April 2024**

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0.0 Preamble

0.0 Planning Application 17/0086/FUL was approved on 17 February 2021. A copy of the approval notice is attached at Document No.1.

0.2 Condition No. 1 states;

The development must be begun not later than 3 years beginning with the date of this permission.

1.0 Pre-development Conditions

1.1 Three pre-development conditions were attached to the approval.

1.2 These were ;

Condition 3

Notwithstanding any description of materials in the application, no development shall take place until samples or full details of all materials to be used on the external surfaces of the extension (including those used in the construction of any windows and doors) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Condition 4

No development shall take place until an intrusive site investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any coal mining legacy issues on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- i) a survey of the extent, scale and nature of coal mining legacy issues*
- ii) an assessment of the potential risks to:*
 - o human health,*
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,*
 - o adjoining land,*
 - o groundwaters and surface waters,*
 - o ecological systems,*
 - o archaeological sites and ancient monuments;*

- iii) *where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.*

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Condition 5

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (NPPG) with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. Page 3 of 5

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

1.3 Application 23/00792/DOC for the discharge of conditions 4 and 5 was approved on 6th December 2023. A copy of the approval letter is attached at Document No. 2.

1.4 Application 23/01335/DOC for the discharge of condition 3 was approved on 16th February 2024. A copy of the approval letter is attached at Document No. 3.

2.0 Material Start on Site

2.1 Section 56 of the Town and Country Planning Act 1990, as amended, refers to the time when development has begun. It refers to a material operation taking place. Paragraph 4 includes the following within the definition of material operation:-

- a. *Any work of construction in the course of the erection of a building.*
- b. *The digging of a trench which is to contain the foundations, or part of the foundations, of a building.*

2.2 An application for building regulation consent – Ref. No. 026748 – for the proposed development was submitted to the Council on 23rd January 2024. A copy of the acknowledgment letter is attached at Document No.4. An extract from an email from the project architect referring to a meeting with the Building Inspector is attached at Document No. 5.

2.3 A 4metre section of trench to take the foundations for the building was excavated on 14th February 2024. This was inspected by the Building Inspector and confirmed to be satisfactory. A copy of an email from the architect referring to this is attached at Document No. 6.

2.4 A plan indicating the position of the trench is attached at Document No.7 and photographs of the trench are attached at Document No. 8.

3.0 Conclusion

3.1 It is our view that the discharge of the pre-development conditions and the work on site that was carried out on 14th February 2024 complies with the definition “material operation” within the meaning of the Planning Acts and that condition No. 1 of the approval, which specifies that work must be begun within three years of the permission, has been complied with.

Chorlton Planning Ltd
April 2024