



FULL PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER
2015

Applicant
Bar Jynx Limited
124 Liverpool Road
Rufford
Ormskirk
Lancashire
L40 1SB

Agent
APM Design Limited
The Studio
2-4 Knott Street
Darwen
Lancashire
BB3 2RN

In respect of application number **2017/0245/FUL** received on **7 March 2017** and in pursuance of its powers under the above-mentioned Act and Order, West Lancashire Borough Council as Local Planning Authority, having considered your application, hereby **grants permission**

for: Proposed acoustic screen / barrier to existing smoking shelter (retrospective).
at: Jynx, Witham Road, Skelmersdale, Lancashire

subject to the Conditions (and Reasons for those Conditions) listed on the attached sheet.

A handwritten signature in black ink, appearing to read "J. R. Harrison".

John R Harrison, DipEnvP, MRTPI
Director of Development and Regeneration

Dated: 2 May 2017

Condition(s)

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Site location plan received by the Local Planning Authority on 7th March 2017 and plan reference APM-JYNX-1001 rev B received on 24th April 2017.

Reason(s)

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Informatives

1. 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.
2. It is the responsibility of the person(s) implementing this development to ensure that, where appropriate, Approval under the Building Regulations has been obtained for the building works involved, and that the plans thus approved under those Regulations are for the same works as approved under this permission and do not conflict with this permission or the conditions contained on it. Any amendments to the plans approved by this permission must be drawn to the attention of the Planning Officer.
3. The applicant should be aware this consent relates to planning requirements only. The applicants are reminded they should check their Property Title Deeds to ensure there are no restrictive covenants contained within, which may limit the future use of the property.
4. Attention is drawn to Section 31 of the County of Lancashire Act 1984 where plans for the erection or extension of a building are deposited with a Borough Council in accordance with Building Regulations, the Council shall reject the plans, unless after consultation with the fire authority, they are satisfied that the plans show:-
 - a).that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
 - b).that the building or, as the case may be, the extension of the building will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
5. Developers are advised to contact the necessary utility plant owners for guidance when excavating in proximity to buried plant and apparatus.
6. If, as a result of the development approved by this Notice, new street names, property numbers or changes to existing property names are required, you will need approval from the Council. The Council must be notified at the earliest opportunity of your proposals so that correct postal addresses can be allocated as soon as possible. Guidance on Street Naming & Numbering is available on the Council's website and applications can be made online at www.westlancs.gov.uk/planning/street_naming_and_numbering.aspx. Alternatively, you can contact the Street Naming and Numbering Officers for advice by telephoning 01695 585158 or 01695 585273.
7. Any demolition work should not commence without notice being given to the Local Authority Building Control Section in accordance with Section 80 of the Building Act 1984 (Tel: 01695 585136).

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE INFORMATION BELOW

Appeals

If you are aggrieved by the Council's decision to refuse permission or to grant permission subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.

If you wish to appeal, then you must do so **within 6 months of the date of the decision notice**.

Appeals must be made using a Planning appeal form which is obtainable from Customer Support Unit, The Planning Inspectorate, Room 3/02, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 01173 726372 or online at www.planningportal.gov.uk/pcs.

- Where this notice is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you wish to appeal against the local planning authority's decision on your application, then you must do so **within 28 days of the date of this notice**.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you wish to appeal against the local planning authority's decision on your application, then you must do so **within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.**

The Secretary of State need not consider an appeal if it seems to him that the Council could not have granted planning permission for the proposed development or could not have granted permission 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 Council based its decision on a direction given by him.

Purchase Notices

If either the Council or the Secretary of State for Communities and Local Government refuses permission to develop land or grants permission subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he 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 which will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.