



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:
Ruttle Plant Holdings Ltd
c/o Agent

Agent:
Sedgwick Associates
PO Box 237
Bolton
BL1 9WY

Variation/Removal of Condition/Minor Material Amendment

FOR:

Variation of Condition 6 relating to planning permission (10/17/1043) - Variation of conditions 1, 3, 4 and 5 relating to planning permission (10/16/0789) Reserved Matters Application for erection of 126 dwellings pursuant to Outline Planning Approval 10/12/0933

AT:

Land at
Pole Lane
Darwen

APPLICATION REFERENCE NUMBER: **10/18/0123**

The application was received: **01/02/2018**

THE DECISION

Date of Decision: 01/03/2018

In pursuance of their powers under the above Act, the Council

PERMITS

The above development in accordance with the details given on the application form and submitted plans. Permission is given subject to the following CONDITIONS:

1. Following the date of the approval of the drainage scheme required by condition 14 of the outline planning consent 10/12/0933 and prior to the commencement of construction of any dwelling, the developer must submit to the Local Planning Authority for written approval, a Landscape and SuDs Management and Maintenance Scheme, which shall include an implementation and phasing plan. The development shall be implemented in accordance with the agreed management and maintenance scheme and shall be retained in perpetuity. REASON: To ensure that there is a well laid and maintained scheme of healthy trees and shrubs, and sustainable drainage, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

2. Prior to the occupation of each plot of the development hereby approved, the car parking spaces and garages identified on the site layout (reference L(00)100 Rev F received on 12th April 2017); shall be implemented for the relevant plot to be occupied and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

3. Prior to the commencement of construction of any dwelling, details of the road and footway finishes shall be submitted to the Local Planning Authority for approval. The agreed details shall be implemented in accordance with agreed timescales and thereafter retained. REASON: To ensure that a suitable highway finish is provided for the safe, efficient and convenient movement of all highway users in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to the commencement of construction of any dwelling, details of the boundary treatments throughout the site shall be submitted to the Local Planning Authority for approval. The agreed details shall be implemented and thereafter retained.

REASON: To ensure that a suitable scheme of boundary treatments is provided for in accordance with Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The development shall be implemented in accordance with the parameters of the submitted landscaping structure plan (ref 2074_06), received on 17th March 2017, following the date of the approval of the drainage scheme required by condition 14 of the outline planning consent 10/12/0933 and prior to the commencement of construction of any dwelling, a detailed landscaping scheme shall be submitted to the Local Planning Authority for approval, which should include details of materials to be used for hard surfaces and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of development. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity and ecology in accordance with Policy 40 of the Blackburn with Darwen Borough Local Plan Part 2.

6. This consent relates to the submitted details marked received on 25th July 2016 and named / numbered LP01 Site Location Plan and Design & Access Statement, the Topographic Survey marked received on 20th October 2016, the Planning Application Form and Landscape Structure Plan (ref 2074_06) marked received on 17th March 2017, the Planning Statement marked received on 3rd April 2017, the house types details and materials matrix marked received on 3rd April 2017, the drainage strategy (ref 8117-DS01 Rev P2) marked received on 4th April 2017, the noise assessment dated 4th April 2017, the

Coal Mining Issues Plan (ref 002) received on 12th April 2017,, the refuse vehicle tracking plan (ref 8116-500 and 8116-501) received on 19th April 2017, the noise report addendum dated 19th April 2017, the Mine Shaft Investigation letter (ref 11-402-L2) received on 24th April 2017, the Garage Plans and Elevations Type GS/GD (ref L(01)120 rev A and L(02)120 rev A) received on 26th April 2017; the site layout plan (ref L(00)100) revision M) received on 8th February 2018; and any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

REASONS FOR GRANTING PLANNING PERMISSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is of appropriate design and appearance and would not be detrimental to the residential amenity for occupiers of the dwellings or neighbouring dwellings or compromise highway safety in accordance with Policy 16 of the Blackburn with Darwen Local Plan Part 2..

Your attention is drawn to the NOTES attached and to the following:

1. A process has been introduced by The Department for Communities and Local Government for dealing with material and non-material amendments to planning permissions. For more information please contact the case officer or consult the Planning Portal website www.planningportal.gov.uk
2. This approval relates to a S106 Agreement.
3. During the development, should any bats be found, work shall stop Wildlife & Countryside Act 1981 (as amended).
4. 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. Before commencing development you are advised to check the requirements of the Building Regulations. Section 31 of the County of Lancashire Act 1984 (access for the Fire Brigade) also applies. For information please contact the Building Surveyors, telephone 01254 505022. Additionally, if you wish to carry out building work which involves work along a party boundary the Party Wall Etc Act 1996 comes into force. You must find out whether your works falls within the Act by contacting your Solicitor, and if it does, you must notify all affected neighbours.
5. The Construction (Design & Management) Regulations 2015
The development hereby approved may be subject to the Construction (Design and Management) Regulations 2015 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 0845 345 0055.
6. 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

7. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

8. There are fees associated with the discharge of planning conditions. These fees apply to all requests for (1) the discharge of one or more conditions on the same permission, or (2) the written confirmation of compliance with a condition or conditions. Any number of conditions may be included on a single request. Fees are: £28 for householder developments, and £97 for all other developments. There is no fee relating to the discharge of conditions imposed on Listed Building applications. Please send your fee with your request, as requests that are received without the appropriate fee will be returned unanswered. To request a discharge of condition please use the forms on www.blackburn.gov.uk or apply to the Council in writing. Please ensure that your letter or form clearly identifies the relevant permission and the condition(s) concerned. Local Planning Authorities have to deal with all requests within 8 weeks. Fees will be refunded if a response is not sent within 12 weeks from the date of receipt.

9. The Council has a statutory duty to provide collection of 'waste' from households within the Borough. The Council also has enforcement powers where waste is not managed correctly, to support the duties placed upon the Council to protect public health and the environment.

Fly tipping, (or dumping) of waste for instance can have a significant impact on the health, safety, environment and economy of a neighbourhood. Under Section 46 of the Environmental Protection Act 1990, Councils can require householders to provide a wheeled bin of a type and specification determined by the Council. The legislation also allows Councils to specify a location to facilitate the emptying of the wheeled bin. The Environmental Protection Act also renders the occupier liable for prosecution should they fail to comply with any of these requirements

The Council strongly encourages developers to ensure suitable containers are provided for each new property, from the moment of occupation, in order to ensure

- a) A facility for refuse/recycling is immediately available to householders
- b) Correct management and disposal of domestic waste by householders

Further information can be obtained from:

<http://www.blackburn.gov.uk/Pages/bins.aspx>

10. The developer must comply with the requirements of Blackburn with Darwen Borough Council in relation to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. Further information can be obtained by contacting Civil Engineering on 01254 273442, or by writing to the Civil Engineering, Highways & Transportation, Capita Blackburn Business Centre, Castleway House, 17 Preston New Road, Blackburn BB2 1AU quoting the planning application number above.

11. Roads and footways will be subject to a Section 38 Agreement under the Highways Act 1980, and should be designed in accordance with Manual for Streets (published by Department for Transport) in conjunction with the Residential Road Design Guide (1985) (published by Lancashire County Council). The Specification will be the Specification for the Construction of Estate Roads (1992) (published by Lancashire County Council). Note: Access Ways and Drives must have a 2 metre service verge free from bushes, trees, etc.

12. The granting of planning permission does not entitle a developer to obstruct, move, or disturb the surface of any public footpath, bridleway, byway open to all traffic or a road used as a public path. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act. Failure to comply with the above may render the developer liable to action by the Highway Authority.

13. The remediation strategy required by condition on the outline approval shall include a plan clearly showing the position of the mine entry no.36 in relation to the development.

PLEASE NOTE:

Town and Country Planning (Written Representations) Regulations 1987

In accordance with the provisions of these Regulations, in the event of an appeal, the Local Authority's copy of the completed appeal form should be sent to:

The Director of Growth & Development, Blackburn with Darwen Borough Council, Town Hall, Blackburn. BB1 7DY



Ian Richardson,
Director of Growth & Development
Blackburn with Darwen Borough Council.

