



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:

Mr Oakes

Cuckoldmans Farm

Roman Road

Eccleshill

Darwen

BB3 3PP

Agent:

Graham Anthony Associates

2 Croston Villa

High street

Garstang

Preston

PR3 1EA

Full Planning Application

FOR:

Diversion of Public Right of Way no. 185 from the existing farmyard to the rear of the farmhouse and buildings to enable the extension of one dwelling, the creation of an additional dwelling in the barn attached; erection of single storey extensions to the north facing elevation of both buildings, creation of associated residential curtilages and erection of boundary fencing.

AT:

Cuckoldmans Farm

Roman Road

Eccleshill

DARWEN

BB3 3PP

APPLICATION REFERENCE NUMBER: **10/17/1373**

The application was received: **10/11/2017**

THE DECISION

Date of Decision: 13/03/2018

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. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved amended plans, drawing references:

Plan Ref:	Title:	Received On:
GA3060-LP-01-A	Proposed Location Plan	17 January 2018
GA3060-PSP-01-A	Proposed Site Scheme	06 February 2018
GA3060-BT-01	Proposed Boundary Treatments	18 February 2018
GA3060-002-C	Proposed Plans & Elevations	12 March 2018
GA3060-FP-02-A	Proposed Footpath Route	18 December 2017

REASON: To clarify the amended plans to which this permission relates.

3. The development hereby permitted shall be carried out in complete accordance with the submitted Structural Appraisal Report dated 07 December 2017 carried out by Building Surveyors North West Ltd.

REASON: To define the permission and to prevent inappropriate rebuilding or new build within an area subject to policies of development restraint and in accordance with Policy 21 of the Local Plan Part 2: Site Allocations and Development Management Policies (Adopted 2015).

4. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

(a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases;

(b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey;

(c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the new dwelling. On completion

of the development/remedial works, the developer shall submit written confirmation for approval in writing, in the form of a Verification Report to certify that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure contamination is remediated to an appropriate standard for the proposed end use, to protect the health of future occupiers of the site in accordance with Policy 8 of the Local Plan Part 2: Site Allocations and Development Management Policies (Adopted 2015).

5. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Local Plan Part 2: Site Allocations and Development Management Policies (Adopted 2015).

6. All new window and door frames to the building shall be recessed a minimum of 75mm behind the external face of the stonework.

REASON - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located and to accord with Policies 21 and 41 of the Local Plan Part 2: Site Allocations and Development Management Policies (Adopted 2015).

7. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies 9 and 21 of the Local Plan Part 2: Site Allocations and Development Management Policies (Adopted 2015).

8. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies 9 and 21 of the Local Plan Part 2: Site Allocations and Development Management Policies (Adopted 2015).

REASONS FOR GRANTING PLANNING PERMISSION:

1. 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 dwelling or neighbouring dwellings or compromise visual amenity or highway safety in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015) and Residential Design Guide Supplementary Planning Document (as amended September 2012).

2. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

1. Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions; and,
2. Securing revised plans during the course of the application which have overcome initial problems.

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

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

Please apply as soon as possible as this process may involve lengthy consultations and could delay the installation of utility connections if not applied for in good time.

Please contact the Street Naming and Numbering Officer at:
addressmanagement@blackburn.gov.uk

2. 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.

3. 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: £34 for householder developments, and £116 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.

4. 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.co.uk

5. 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.

6. 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

7. All bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.

8. Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

9. 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 or path used as a public path. Any proposed stopping-up or diversion of a public right of way or highway 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.

The proposals involve the diversion of Public Footpath no. 185 in the Parish of Darwen. Please contact the Public Rights of Way team on 01254 273525 or at BlackburnPRoW@capita.co.uk

10. Under the Environmental Permitting (England & Wales) Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of 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.