



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:
Mr Bilal Patel
Rockwood House
4 East Park Road
BLACKBURN
BB1 8AT

Agent:
Compass Architectural + Consultants Ltd
Daisyfield Business Centre
Suite 301
Appleby Street
Blackburn
BB1 3BL

Full Planning Application

FOR:

Retrospective application for the retention of an existing carport with alterations from previous application (resubmission of 10/16/1031)

AT:

Rockwood House
4 East Park Road
BLACKBURN
BB1 8AT

APPLICATION REFERENCE NUMBER: **10/18/0096**

The application was received: **23/01/2018**

THE DECISION

Date of Decision: 15/03/2018

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. Within three month from the date of this permission, samples of all external materials, to be used in the construction/recladding of the car port hereby approved shall be submitted to and approved in writing by the local authority. The approved materials shall not be altered without the prior written consent of the local planning authority.

REASON: In the interests of visual amenity and preservation of the Conservation Area, in accordance with Policies 11 and 39 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015) and the NPPF.

2. Within three month from the date of this permission, the section of the car port attached to the host dwelling shall be demolished and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the special architectural and historic interest of the Conservation Area is safeguarded in accordance with Policy 39 of the adopted Local Plan Part 2 Site Allocations & Development Management Policies (2015) and the NPPF.

3. The roof area of the car port hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises in accordance with Policy 8 of the adopted Local Plan Part 2 Site Allocations & Development Management Policies (2015) and the NPPF.

4. This consent relates to the submitted details marked received on 23rd January 2018 and submitted drawing no's. EX01, PL01 and PL02, 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:

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 highway safety in accordance with Policies 8, 11 and 39 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 operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring all the issues have been resolved. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought

reasonable amendments to the application in order to deliver a sustainable form of development in accordance the NPPF.

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.co.uk

2. 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.

3. 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.

4. As part of this permission , you are required to ensure that no skips or building materials are placed on the adopted highway which will hinder or inhibit the refuse or recycling collection services. Any building materials that do not cause an obstruction to the collection services and permission is given for temporary storage on the adopted highway whilst work is ongoing must be removed when the work is completed and the area must be cleared and swept, so no remnants of any of the materials are left

5. 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

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

A handwritten signature in black ink, appearing to read 'I R', is centered on the page.

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