



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:	Agent:
Mr Christopher Gore	Frank Whittaker Town Planning Consultants
Park Lodge	Beechwood
West Pennine Remembrance Park	Shady Lane
Entwistle Hall Lane	Bromley Cross
Turton	Bolton
BL7 0LR	BL7 9AF

Full Planning Application

FOR:

Retrospective application for additional use of part of Woodland Cemetery for keeping/breeding of dogs. Retention of 3 no. related kennel buildings together with erection of 2 no. additional kennel buildings

AT:

Park Lodge West Pennine Remembrance Park
Entwistle Hall Lane
Edgworth
BOLTON
BL7 0LR

APPLICATION REFERENCE NUMBER: **10/17/1428**

The application was received: **24/11/2017**

THE DECISION

Date of Decision: 15th March 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 use hereby approved shall cease and the dog kennels shall be removed on or before 15th March 2019

REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

2. Within 2 months of the date of this decision, the acoustic fence hereby approved shall be erected and retained for the duration of the temporary use period.

REASON: In order to safeguard the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

3. Within 2 months of the date of this decision, the noise mitigation measures identified at paragraph 8.2 of the Supporting Statement shall be incorporated into the dog kennels hereby approved and retained for the duration of the temporary use.

REASON: In order to safeguard the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. The visually restrictive netting enclosure between the Paddock Area and the adjacent railway platform shall be retained for the duration of the temporary use hereby approved.

REASON: In order to safeguard the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Throughout the duration of the temporary use hereby approved, no more than 6 dogs shall be exercised at any one time within the Paddock Area. Exercise shall, at all times, be under the supervision of the Kennel Operators.

REASON: In order to safeguard the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Written notification of an interment service shall be provided to the Local Planning Authority no later than 7 days prior to the service.

REASON: In order to allow the Council the opportunity to assess the impact of the approved use during an interment service, to ensure appropriate safeguarding of the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. The Paddock Area shall not be used for the exercise of dogs at any time during an interment service.

REASON: In order to safeguard the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Exercise of dogs shall only take place within the Paddock Area between the hours of 07:00 hours and 22:30 hours daily.

REASON: In order to safeguard the amenity of the surrounding area, in accordance within the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. This consent relates to the submitted details marked received on 24th November 2017, including the Supporting Written Statement, Noise Assessment and drawings numbered P1738/17/01 and P1738/17/02; and any subsequent amendments approved in writing by the Local Planning Authority within 12 months of the date of this decision.

REASON: To clarify the terms of this consent

REASONS FOR GRANTING PLANNING PERMISSION:

1. 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.

2. 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 in principle and would not be detrimental to amenity for or compromise highway safety in accordance with the National Planning Policy Framework and Policies 3, 8, 10 and 11 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.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. 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

4. 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.

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.