



## TOWN AND COUNTRY PLANNING DECISION NOTICE

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TOWN AND COUNTRY PLANNING ACT 1990

### THE APPLICATION

Applicant:  
Mr David Draper  
7 Greenoak  
Stoneclough  
Radcliffe  
Manchester  
M26 1EG

Agent:  
harryjacksonsurveyorsltd  
Unit4a  
Farnworth Park Ind Est  
Wellington Street  
Farnworth  
BL4 7BY

### Full Planning Application

FOR:

Subdivision of existing farmhouse to 4 dwellings with creation of curtilage areas and new conservation windows

AT:

The Barn at Top O Th Quarlton Farm  
Off Ramsbottom Road, Off Hawkshaw Road,  
Hawkshaw  
Bury  
BL8 4JX

APPLICATION REFERENCE NUMBER: **10/18/0108**

The application was received: **27/01/2018**

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### THE DECISION

Date of Decision: 17/04/2018

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: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**2.** Prior to the commencement of development hereby approved, samples of all external window and door materials and their colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

**3.** Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for the hard surface treatment to the car parking area at the southern boundary of the site, 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. Shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the shrubs.

REASON: To ensure that there is a well laid scheme in the interests of the Green Belt and general amenity, in accordance with Policies 3 and 9 of the Blackburn With Darwen Borough Local Plan Part 2.

**4.** Notwithstanding the submitted details, prior to the commencement of the development hereby approved, details of the proposed boundary treatments to form the sub-division of the rear garden space shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed height and a sample of the proposed material to be used in construction. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policies 3 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

**5.** Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development of the type specified in Classes A - H inclusive of Part 1 and Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the Green Belt location of the site, whilst the dwellings as approved are acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with Green Belt Policy or the amenity of the area generally in accordance with Policies 3 and 8 of the Blackburn with Darwen Borough Local Plan Part 2

6. This consent relates to the submitted details marked received on 27th January 2018 and numbered 2016/L001, 2016/L002, 2016/L003, 2017/204, 2017/205, 2017/206, 2017/207, 2017/208, 2017/209, 2017/210, 2017/211; 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:**

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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](http://www.planningportal.gov.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.

5. 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](http://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.

6. The applicant is required to provide details of the septic tank and demonstrate that it is adequate for the increased occupancy. The applicant must apply for an Environmental Permit (Part B6.5) from the Environment Agency.

7. 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>

8. During the development, should any bats be found, work shall stop Wildlife & Countryside Act 1981 (as amended)

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.

