



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:	Agent:
Edgworth Cricket & Recreation Club	Good & Tillotson
Barlow Memorial Ground	2 The Studios
Bolton Road	318 Chorley Old Road
Edgworth	Bolton
Bolton	BL1 4JU
BL7 0AP	

Full Planning Application

FOR:

Proposed construction of artificial grass pitch with associated fencing and retrospective approval for 2 lane external cricket wickets/nets

AT:

Edgworth Cricket & Recreation Club
Bolton Road
Turton
Bolton
BL7 0AP

APPLICATION REFERENCE NUMBER: **10/20/0867**

The application was received: **16/09/2020**

THE DECISION

Date of Decision: 18/02/2021

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. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application form received 16th September 2020 and approved drawings numbered: 1932-GTA-Z0-00-DR-A-10001, 932-GTA-Z0-00-DR-A-1001, 1932-GTA-Z0-00-DR-A-1002, 1932-GTA-Z0-00-DR-A-1003, 1932-GTA-Z0-00-DR-A-1004, 1932-GTA-Z0-00-DR-A-1005 and the 'dura-sport synthetic sport & play surfaces' brochure.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Surface water drainage shall be in strict accordance with the approved details, as specified in the 'dura-sport' quotation, ref. CJS/DS/1012195, received 13th January 2021, 'Outline Build Up' sectional detail, received 13th January 2021, and email from Jon Crompton dated 21st January 2021.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

4. Prior to first use of the development hereby approved, a Community Use Agreement and Sports Development Plan, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict accordance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy 7 of the Blackburn with Darwen Borough Local Plan Part 2 and paragraph 97 of the NPPF.

5. Prior to first use of the development hereby approved, a floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail mitigation measures to protect the surrounding area from excessive light intrusion and glare. The scheme shall be implemented in strict accordance with the approved detail for the duration of the development.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The use development hereby approved shall be limited to the 09:00hrs - 22:00hrs.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. The Travel Plan set out at Appendix C of the submitted Transport Statement (azh consultancy- 17th January 2020) shall be implemented upon first use of the development hereby approved. The Travel Plan shall be adhered to for the duration of the approved development.

REASON: In order to encourage sustainable transport and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Construction for its duration shall take place in strict accordance with the details set out in the submitted Construction & Environmental Management Plan (TPF Developments - 13th January 2021).

REASON: In order to safeguard local amenity and highway safety, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The development shall be carried out in strict accordance with the submitted Tree Survey and Arboricultural Impact Assessment (appletons - Rev A January 2021). Specified tree protection measures shall be adhered to throughout the period of demolition and construction, including:

Care around root damage when carrying out the removal of existing tennis court;
Correct placement of the Tree Protective Fencing;
Installation of fence posts and lighting columns with the required services;
An understanding of the Root Protection Area distances;
No heavy machinery should be within the Construction Exclusion Zone; and
An understanding of Section 8 of the AIA: 'Method statement for successful tree retention during and post construction'

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The perimeter fencing and floodlighting columns shall be finished, and retained in perpetuity, in green - colour 'RAL 6035'.

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.

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 openness of Green Belt, trees, residential amenity or compromise highway safety in accordance with Policies 3, 8, 9, 10 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015).

2. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework (2019). 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:

Actively engaging in pre-application discussions with the applicant to try and find solutions to problems;

Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions; and

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. 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. For further information and advice please contact our Local Authority Building Control Section on 0300 303 5354.

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: £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.planningportal.co.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 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. All Enquiries to Highways@blackburn.gov.uk

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



Martin Kelly,
Strategic Director of Place
Blackburn with Darwen Borough Council



NOTES FOR APPLICANTS

APPLICATIONS FOR PLANNING PERMISSION REFUSED OR GRANTED WITH CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country planning Act 1990
- If you want to appeal against your local planning authority's decision then you must do so within **6 months of the date of this notice, UNLESS**
 - This is a decision to refuse planning permission for a **householder application and/or minor commercial development (shop front)**, in which case appeals must be made within **12 weeks of the date of this notice**.
 - This is a decision to refuse express consent for the display of an advertisement, in which case appeals must be made within **8 weeks of the date of this notice**
 - This is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, in which case appeals must be made within 28 days of this notice.
 - An enforcement notice is served relating to the same or substantially the same land and development as in your application, in which case appeals must be made within 28 days of the service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, The Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 part V1 of the Town and Country Planning Act 1990

APPLICATIONS FOR LISTED BUILDING AND CONSERVATION AREA CONSENT

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the Borough Council to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within **six months** of the date of this notice.
- Similarly, if the applicant is aggrieved by the decision of the Borough Council to refuse to vary or discharge the conditions attached to a listed building consent or conservation area consent, or to add new conditions following any such variation or discharge, he may also appeal under Sections 20 and 21 of the same Act within **six months** of the date of this notice.
- Any appeal must be made on the appropriate form which is obtainable from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN, Tel: 0303 444 5000. Or online at [appeals casework portal](https://www.planningportal.co.uk/initial-appeals).
- The Secretary of State has power to allow a longer period for the giving of a notice of appeal. He will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- An appeal may also be made on the grounds that the building is claimed to be not of special architectural or historic interest and ought to be removed from the list.

Purchase Notices

If listed building consent is refused, or granted subject to conditions, whether by the Borough Council or by the Secretary of State for the Environment, and the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted.

In these circumstances, the owner may serve on the Council a Listed Building Purchase Notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access for the Royal Commission on the Historical Monuments in England

Your attention is drawn to the requirements of Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding any listed building consent conveyed in the attached notice, or by the Secretary of State, you **MUST NOT COMMENCE** work which involves the demolition of the whole or any part of a listed building until you have given thirty days notice to the Royal Commission on the Historical Monuments of England. Form RCHME 1 is enclosed, if relevant, to enable you to notify the Royal Commission.

Offences

It is an offence for a person to execute or cause to be executed **any works** in relation to a listed building either for its demolition or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised; or which fails to comply with any condition attached to a consent. This includes the removal of interior fittings such as panelling and fireplaces. A person who is found guilty of an offence is liable on summary conviction, imprisonment up to six months or a fine up to £20,000, or both; or on conviction on indictment, to imprisonment for up to two years or a fine, or both.

APPLICATIONS FOR ADVERTISEMENT CONSENT

Duration of Consent

- If no time period is specified in a consent to display an advertisement, the consent shall be for five years commencing with the date of the consent notice.
- Except where there is expressly a condition to the contrary, an advertisement may continue to be displayed after the expiry of consent. The Council may, though, exercise its power to take discontinuance action to remove an advertisement or sign following expiry of the consent.

Offences

- If you display an advertisement in contravention of the Control of Advertisements Regulations (England) 2007, you shall be liable on summary conviction of an offence under Section 224(3) of the Town and Country Planning Act to a fine of an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction. In 1994, a level 3 fine was £1,000.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Borough Council to refuse consent or to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment under Regulation 15 and Schedule 4 of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.
- **If you want to appeal, then you must do so within eight weeks of the date you receive this notice**, using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN, Tel: 0303 444 5000. Or online at appeals casework portal. The Secretary of State is not required to entertain such an appeal if it appears to him, having regard to the provisions of the regulations, that consent for the display of the advertisement(s) could not have been granted by the Local Planning Authority, or could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them.



Building Control Services



Building Regulations contain complex technical requirements relating to structure, fire safety, drainage, resistance to moisture, sound insulation, ventilation, heating appliances, stairways, conservation of fuel and power, accessibility, security and electrical safety installation in dwellings.



Pennine Lancs Building Control service is managed and controlled by Blackburn with Darwen and Burnley Borough Council





Reasons to use your Local Authority Building Control Service

- ✓ Good local knowledge - our surveyors are on your doorstep and understand local ground conditions
- ✓ We have access to the Council's historic records
- ✓ We aim to offer a first class independent competitive service on a non-profit making basis
- ✓ Our surveyors are experienced and qualified professionals and can offer advice on all aspects of the regulations
- ✓ We guarantee a same-day inspection service, if requested by 10.00am
- ✓ We provide fast access to other organisations such as the Fire Service and Water Authority

- ✓ We will issue a completion certificate with the assurance that the work complies with the Building Regulations
- ✓ We offer free pre-application advice, and can save time by agreeing details and specifications prior to plans being deposited
- ✓ We work with you to achieve compliance, finding solutions that are both cost-effective and practical
- ✓ Additional services available from LABC Consult include: new homes warranty, acoustic and air pressure testing, and energy assessments. Visit www.labc.co.uk or email consult@labc.co.uk

Further information can be obtained by speaking directly to your Local Authority Building Control Team

To find out more, contact us:

Blackburn Office: Blackburn Enterprise Centre, Suite 1, Furthergate, Blackburn, BB1 3HQ
Tel: 0300 300 5354
email: building.control@blackburn.gov.uk
www.blackburn.gov.uk

Burnley Office: Town Hall, Manchester Road, Burnley, BB11 9SA
Tel: (01282) 477269
email: buildingcontrol@burnley.gov.uk
www.burnley.gov.uk