

Planning and Highways Committee

Thursday, 17 November 2016

18:30

Meeting Room A, Blackburn Town Hall

AGENDA

PART I: ITEMS FOR CONSIDERATION IN PUBLIC

- 1 Welcome and Apologies
 - 2 Minutes of the Previous Meeting
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 - 3 Declarations of Interest in Items on this Agenda
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- HIGHWAY MATTERS
- 5 Petition - Clarendon Road East, Blackburn 27 - 28
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PART II - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS

PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

- 7 Enforcement Update
- 8 Enforcement - Land at Weasel Lane (Kiln Bank)

Tockholes, Darwen

Weasel Lane map

Weasel Lane picture

9 Enforcement - 12 Plane Street, Blackburn

Plane Street map

Plane Street picture 1

Plane Street picture 2

10 Enforcement - 17 Market Street Lane, Blackburn

Market Street Lane picture

Market Street Lane map

**11 Enforcement - Land at Sett End Woods,
Blacksnape (Part 2)**

Sett End Woods picture 1

Sett End Woods picture 2

Sett End Woods map

Date Published: Friday, 11 November 2016
Harry Catherall, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
15th September 2016

PRESENT – Councillors Dave Smith (in the Chair), Brookfield (substitute for Hussain F), Casey, Groves, Hardman, Hussain I, Jan-Virmani (substitute for Khan Z), Khonat, McKinlay, Murray, Nuttall, Oates, Riley, Slater Ja, Slater Jo (substitute for Ali)

OFFICERS – Gavin Prescott (Planning), David Proctor (Planning), Asad Laher (Legal), Safina Alam and Christine Wood (Democratic Services)

RESOLUTIONS

35 **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Hussain F, Khan Z and Ali.

36 **Minutes of the last Meeting held on 28th July 2016**

RESOLVED – That the minutes of the last meeting held on 28th July 2016 were confirmed and signed as a correct record.

37 **Declarations of Interest**

There were no declarations of interest.

38 **Planning Applications**

The Committee considered reports of the Director of Planning and Prosperity detailing the planning applications listed overleaf.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

RESOLVED – (1) That the following decisions be made on the applications set out overleaf:

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/15/0296	Father Mckenzie Holdings Ltd	Land off Eleanor Street, Blackburn, BB1 1JD Outline planning application for 4 storey 88 bed care home <i>Mrs Tunstall spoke for</i>	Approve, subject to signing and sealing of a Legal Agreement restricting occupants of the development to be from within the Borough or have close ties to the Borough in the first instance, or from outside the Borough if not meeting with the first two criteria, and with conditions as stated in the Director's report. <i>The update report advised that a signed copy of the S106 Agreement had been received on 15th September 2016 from both parties and that the agreement was in the process of being sealed.</i>
10/16/0569	Cyberbase Limited	Former site of Frankies Bar, Church Street, Darwen, BB3 2RE Full planning application for development of vacant site for a 4-storey hotel with 34 rooms, 17 parking spaces, a breakfast room/bar &	Approve with conditions

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
		spa, creation of new vehicular access in Church Bank Street and on street loading bay in Bank Street	
10/16/0622	Mrs Marcella Bird	The Coach House, Turncroft Road, Darwen, BB3 2BW Variation of condition/minor material amendment for erection of two bedroom house on land adjacent to existing domestic property at The Coach House, pursuant to a variation of condition no 9 on application 10/14/0582 as detailed in the report. <i>Mrs Tart spoke against</i>	Approved

39 Planning and Highways Committee Procedure Rules

A report was submitted to update the Committee on the progress of the draft Planning and Highways Committee Procedure Rules. The report also sought approval from the Committee that the draft procedure rules be recommended for approval and implementation at a future meeting of the Council Forum.

The Committee was advised that the draft procedure rules (as attached to the report) referred to the relevant part of the Constitution and consolidated procedures and protocols for the determination of planning applications by the Planning and Highways Committee.

The Committee was further advised that Members sitting on the Planning and Highways Committee were required to be aware of the planning decision-making process and their role and responsibilities when determining planning applications.

It was reported that the draft rules had been discussed at the Planning Cross Party Working Group and suggested changes resulting from the meeting, had been incorporated. The draft rules had also been introduced to Members at the Member training session in May 2016 at which Members had been requested to provide any feedback.

RESOLVED – That the Planning and Highways Committee: -

1. Recommend to Council that the draft Planning and Highways Procedure rules (as attached to the report); be approved; and
2. Recommend to Council that authority be delegated to the Monitoring Officer in consultation with the Chair and Deputy Chair of the Planning and Highways Committee to make any minor changes to the Planning and Highways Committee Procedure Rules; and
3. Note that the annual mandatory training for Committee members will cover the Planning and Highways Committee procedure rules.

40 Petition: Full Planning application 10/15/0791 for change of use to create car valet centre with associated ground works and siting of 2 no portacabins – at Land adjoining no 5 Limefield, Preston New Road, Blackburn, BB2 6BT

A report was submitted to advise the Committee of the receipt of two petitions containing 38 and 41 signatories objecting to planning application 10/15/0791 as detailed above.

Grounds for objections to the application were outlined in the report. It was reported that the application remained under assessment and would be dealt with in accordance with the Council's scheme of delegation.

RESOLVED –

1. That the petition be noted; and
2. That the issues raised would inform the assessment of the proposal; and
3. That the Lead Petitioner be informed of the decision once made.

41 Petition: Full Planning application 10/16/0096 for change of use from former day care centre into restaurant and installation of extraction flue at Limbrick Hall, 2 St Andrews Street, Blackburn

A report was submitted to advise the Committee of the receipt of a petition objecting to the above planning application which had been approved on 4th May 2016, subject to conditions under the scheme of officer delegation.

Grounds for objection to the application were outlined in the report. The report emphasised that the petition had not been received during the course of the planning application assessment.

The Committee was advised that a comprehensive consultation had been carried out in accordance with the Council's statutory

requirements prescribed in Article 15 of the Development Management Procedure Order (England) 2015. Details of premises consulted by a letter dated 16th March 2016 were outlined in the report.

A copy of the Delegated Decision Officer Report and Decision notice were attached to the report for information.

Councillor Suleman Khonat requested that Council Officers ensured that all conditions attached to approval of the application, as detailed in the attached Decision Notice, were adhered to.

RESOLVED –

1. That the petition be noted; and
2. That the Lead Petitioner be informed of the same.

42 Petition: Dunsop Street, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 22 signatures requesting the removal of bollards from the footways at Dunsop Street, Blackburn.

Grounds for the request were stated as bollards “causing accidents, damage to vehicles and health and safety issues on our street to elders and children” .

Grounds for refusing the request were outlined in the report.

RESOLVED –

1. That the Committee support the officer’s recommendation that the petitioners request for the removal of bollards be refused; and
2. That the Lead Petitioner be informed of the decision.

43 Petition: Leamington Close, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 26 signatures from residents around Leamington Close, Blackburn.

The petition requested yellow lines to prevent parking opposite driveways, which was making access to the driveways difficult, in addition to causing an obstruction to other vehicles accessing Leamington Close.

Background details regarding the request and grounds for refusal were outlined in the report.

RESOLVED –

1. That the Committee support the officer's recommendation that the petitioners request for the provision of Double Yellow Lines be refused; and
2. That the Lead Petitioner be informed of the decision.

44 Petition: Lilford Road One Way system

A report was submitted to advise the Committee of the receipt of a petition on 18th June 2016 containing 58 signatures from residents of Shear Brow, Park Avenue and Shear Bank Road, Blackburn opposing the implementation of the one way system at Lilford Road, Blackburn.

Grounds for opposing implementation of the system were outlined in the report.

The Committee was advised that Council Officers had been involved in dialogue with local Councillors during 2015 to resolve the issues, which had resulted in a series of site meetings. The outcome of the meetings had resulted in the scheme being abandoned and reverting to the previous state.

As a consequence of the above, the petition and objections had been resolved through these meeting during the later stages of 2015 and the matter was now considered closed.

RESOLVED –

1. That the Committee note that the issues referred to in the petition had now been resolved; and
2. That the Lead Petitioner be informed.

45 Objection – Proposed Traffic Regulation Order Batch 03 16

A report was submitted to advise the Committee of the receipt of one letter of objection, signed by six people to one element of Batched Order 03 16 at Queens Park Road, Blackburn – proposed changes to operational times of School Keep Clear restriction.

It was reported that the objection was based on the misunderstanding that the proposal sought to extend the length of school keep clear restriction in addition to changing the operational time to align with school start and finishing times.

It was further reported that a letter and plan had been sent to the objector clarifying that the length of the school keep clear restriction would remain the same and that only the operational times were proposed for change. At the request of the objector, the proposed morning restriction had been amended.

RESOLVED –

1. That the objections are overruled; and
2. That the Batched Order be made with an amendment to the proposed school keep clear restrictions on Queens Park Road; and.
3. That the objectors be informed of the decision.

46 Stopping up of Jack Croft Blackburn under Section 116 of the Highways Act 1990

A report was submitted to advise the Committee of the receipt of a request by the Kay Group UK Ltd for the Council to progress an Order for the Stopping Up of part of Jack Croft, (Rear Haslingden Road) Blackburn, and to request that Members authorise the Director of HR, Legal and Corporate Services to apply to the Magistrates Court for the necessary Order as per the plan, which was attached to the report.

RESOLVED –

1. That the Committee authorise the Director of HR, Legal and Corporate Services to progress with the closure of part of Jack Croft, Blackburn; and
2. That if the Department believed that there was a good chance that the application would be successful, to apply to the Magistrates' Court for the necessary order.

47 Revised Local Validation Checklist for planning application submissions (Update)

A report was submitted (via the update report) to engage the Committee in the review of the Council's adopted Local Validation Checklist (LVC) listing the criteria and requirements for the formal submission of planning applications.

Background information relating to the LVC was outlined in the report. The Committee was advised that the revised checklist updated the latest validation checklist which had been published in July 2012, and reflected the requirements of the Growth and Infrastructure Bill, the Framework and the National Planning Policy Guidance.

The Committee was advised that the intention of the revised document, which was attached to the report for information, was to assist

applicants when submitting planning applications and to ensure that planning applications could be validated on receipt.

It was reported that the LVC had been presented to the Cross Party Working Members Group and had also been required to undertake a six week consultation period with statutory and non-statutory consultees, stakeholders, and planning agents. Comments received from the consultation period had been incorporated into the checklist.

RESOLVED –

1. That the Committee note the issues addressed in the report, including the proposed revision to the Local Validation Checklist (LVC): and
2. That the Committee express any views on the proposed revision to the LVC, to the Planning Manager.

48 Exclusion of the Press and Public

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

49 Enforcement: Land at Tockholes Road, Tockholes, Darwen, (Timber Sales)

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at Tockholes Road, Tockholes, Darwen as per the plan which was attached to the report.

Backgrounds details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice to secure the removal of the unauthorised sales/office/cabin and the removal/reduction of the unauthorised means of enclosure at Tockholes Road, Darwen.

50 Enforcement: The Former Duke of York House, Johnson New Road, Darwen

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at The Duke of York House, Johnson New Road, Darwen as per the plan which was attached to the report.

Backgrounds details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services, in consultation with the Director of Planning and Prosperity, to consider the issuing of an enforcement notice if ultimately necessary to all persons with an interest in the land to secure the removal of the unauthorised hard standing and to make requirement that the land be returned to an agricultural/grazing use at the Former Duke of York House, Johnson New Road, Darwen.

51 Enforcement: 2 Hayfield, Blackburn, BB2 7BP

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in 2 The Hayfield, Blackburn, to pursue the removal of a wall erected on the highway and to restore the land adjoining the highway to its original condition. Several photographs taken at a recent site inspection were attached to the report for information.

Backgrounds details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice, if ultimately necessary, for removal of the wall and for restoration of the land to its original condition at 2 Hayfield, Blackburn.

52 Enforcement: 114 Pringle Street, Blackburn, BB1 1SA

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at 114 Pringle Street, Blackburn, BB1 1SA (as outlined in the Ordnance Survey Plan which was attached to the report) to pursue a reduction in the size of a single storey front extension.

Background details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services in consultation with the Director of Planning and Prosperity, to consider the issuing of an enforcement notice, if ultimately necessary, to reduce the size of the front extension as set out within Schedule 2, Part 1, Class D (porches) of The Town And Country Planning (General Permitted Development) (England) Order 2015 at 114 Pringle Street, Blackburn.

53 Enforcement: 542 Whalley New Road, Blackburn, BB1 9AU

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at 542 Whalley New Road, Blackburn (as outlined on the Ordnance Survey Plan which was attached to the report) to pursue the removal of a front dormer.

Background details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services in consultation with the Director of Planning and Prosperity to consider the issuing of an enforcement notice, if ultimately necessary, for the removal of the unauthorised front dormer at 542 Whalley New Road, Blackburn.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

**DECLARATIONS OF INTEREST IN
ITEMS ON THIS AGENDA**

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE: **17TH NOVEMBER 2016**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

Material Consideration

“Material Considerations” are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

NB: Members should also be aware that each proposal is treated on its own merits!

REPORT OF THE DIRECTOR OF GROWTH & PROSPERITY

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.
Gavin Prescott, Planning Manager – Ext 5694.

NEIGHBOUR NOTIFICATION: The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

PLANNING APPLICATIONS FOR DETERMINATION Date: 17/11/2016

Application No	Applicant	Site Address	Ward
Application Type			
10/15/1119			
	Mr Richard Topham River Street Assets LLP And the Co- Operative Bank PLC 3rd Floor Carvers Warehouse 77 Dale Street Manchester M1 2GH	Greenbank Terrace/ Milking Lane Lower Darwen Blackburn	Fernhurst
Outline Planning Application for The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings			

RECOMMENDATION: Refuses

DEPARTMENT OF REGENERATION

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee

TITLE: Outline Planning Application (access) for the erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings

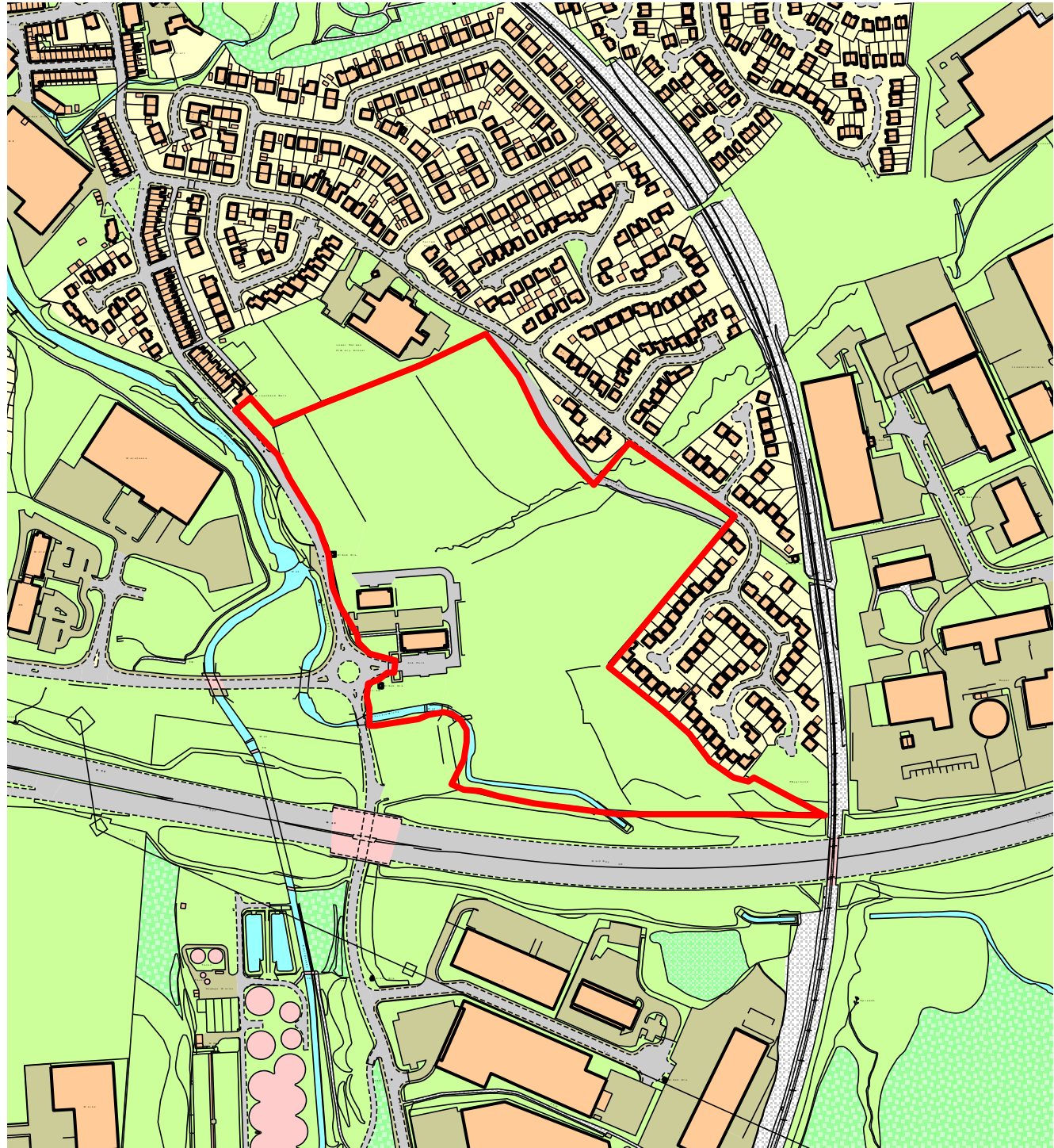
AT: Greenbank Terrace/ Milking Lane, Lower Darwen, Blackburn

(Ref: 10/15/1119)

Applicant: Mr Richard Topham

Ward: Fernhurst

Councillor Jacqueline Slater	
Councillor John Slater	
Councillor Denise Gee	



1.0 SUMMARY OF RECOMMENDATION

1.1 REFUSE

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application received a resolution to approve by Members at December 2015 Planning and Highways Committee. The resolution to approve was on that basis that a planning obligation Section 106 agreement was entered into to provide for affordable housing in line with Core Strategy and Local Plan policies. However, despite numerous requests for the Section 106 to be finalised, this has not been forthcoming. As such, without a completed Section 106 agreement, the application cannot be considered favourably.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises an area of land that lies to the immediate west of Milking Lane and to the east of Greenbank Terrace. The site is immediately bound by Lower Darwen Primary School to the north, dwellings to the east/ south and the watercourse of Davy Field Brook/ Alum House Brook to the west, the motorway corridor is also in proximity to the south. The site can be split in two by topography having a lower section currently occupied by a part constructed office development accessed via a roundabout on Greenbank Terrace, and a flat upper portion off Milking Lane. The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace.

3.1.2 This site has an area of approximately 9 hectares. The upper portion of the site comprises two distinct elevated areas of land which are separated by a stream and its associated valley. The stream leads to the River Darwen via a culvert which runs through the lower portion of the site and under Greenbank Terrace to the west. This portion of the site has a public footpath located to the rear of existing dwellings on Milking Lane and is littered with self-seeded trees, with more established trees and hedgerow to the perimeter. The shell of buildings associated with the office development are visible on the lower site, and have been subject to vandalism/ anti-social behaviour following cessation of the construction works.

3.2 Proposed Development

- 3.2.1 The proposal seeks outline planning permission (access) for residential development on both the upper and lower portions of the application site. All other matters (appearance, landscaping, layout and scale) are to be determined under future reserved matters application(s). It is noted that the applicant refers to three development parcels in the submission, namely Parcel 1 (adjacent to Lower Darwen Primary School), Parcel 2 (to the east of the stream) and Parcel 3 (the former office development located on the lower portion of the site) and a drawing has been submitted to illustrate. This description of the three parcels of land will be used in the remainder of the report.
- 3.2.2 The proposal will involve demolition of the part constructed office accommodation. Two new access points are proposed from Milking Lane, both serving Parcels 1 and 2, the second access to Parcel 2 will also form the basis of a link road joining Milking Lane to Greenbank Terrace. Retention of the existing footpath is also annotated on plan.
- 3.2.3 Illustrative plans show that the upper Parcels 1 and 2 could accommodate around 84, with the majority of dwellings located to the lower Parcel 3. This includes a mix of detached, semi-detached and mews style dwellings. The detailed mix of properties and their disposition across the site would be determined under reserved matters.

3.3 Development Plan

- 3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the proposal the following are considered to be the most relevant policies:

3.3.2 Core Strategy:

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.3.3 Local Plan Part 2:

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16 – Housing Land Allocations (notably Allocation 16/17)
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 - Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document (September 2012). This document provides targeted advice to ensure high quality new homes. It ensures that new development reflects the individual and collective character of areas of the Borough and promoted high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 National Planning Policy Framework (NPPF). In particular Section 6 which relates to delivering a wide choice of high quality homes.

3.5 **Assessment**

3.5.1 Members resolved to approve the application at December 2015's Planning and Highways Committee, subject to:

(1) *“Committee delegating authority to the Head of Service for Planning and Transport to approve planning permission subject to negotiation of an agreement under S106 of the Town and Country Planning Act 1990 requiring further assessment of the developments viability if construction of the development has not commenced within 3 years of the date of the decision notice, or.*

(2) following negotiation the granting of planning permission without such an agreement.”

3.5.2 Prior to the application being determined by Members, the applicant had confirmed he was willing to enter into a legal agreement. However, the site is part owned by a bank and despite the applicant's best intentions and repeated attempts; they have been unable to engage in any meaningful communication with the bank. As the bank will need to be a signatory to the agreement, the applicant considers that there is limited prospect of delivering a signed agreement in the near future.

3.5.3 The Section 106 agreement is a key mechanism which makes this development proposal acceptable in planning terms. It focusses on the site specific mitigation of the impact of development, notably, the provision of affordable housing. This is to ensure compliance with Policy CS8 of the Core Strategy and Policy 12 of the Local Plan Part 2.

3.5.4 Members will be aware that the residential development was considered to be the optimum use for the site; and we are very keen to see high quality residential development take place. However, this cannot take place if the obligations sought through the Section 106 agreement are not provided. The decision to bring the application back to Committee with a recommendation to refuse is a last resort, but the Council cannot keep an application open indefinitely.

4.0 RECOMMENDATION

4.1 REFUSE

4.2 Reason: Given the failure to enter into the Section 106 planning obligation, the application fails to provide for affordable housing; thus failing to comply with Policy CS8 of the Blackburn with Darwen Core Strategy and Policy 12 of the Blackburn with Darwen Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 There is no planning history of direct relevance to the current proposal.

6.0 CONSULTATIONS

6.1 No new consultations since those reported in November 2015.

7.0 CONTACT OFFICER: Kate McDonald, Acting Team Leader (Planning Implementation)

8.0 DATE PREPARED: 20 October 2016

9.0 Summary of representations

Objection Lee Sharples 10 Lady Close

I put in writing my objection to the above planning application

the reason

there is already insufficient access out of Milking Lane at peak times causing huge tailbacks made even worse by the school at the lower stretch of milking Lane
Adding still more houses would make the existing problem impossible

Comment John Airey 18 Viscount Avenue

Thank you for the information regarding the proposed development at Greenback Terrace/Milking Lane in Lower Darwen.

One positive is the fact that the previous development which is now an eyesore will be gone.

In its current state it is a very poor gateway in to Lower Darwen.

However some points which I wish to raise are as follows;

- Play area for children.

Looking at the plans It would seem that the houses will have between 2 & 4 bedrooms. This I imagine would mean that the development is to be targeted towards family occupancy.

What provision has been made for children to play?

The plans would appear to show that there is no provision for this.

- Traffic flow on Milking Lane.

Currently, as I am sure you will know and at times when children are coming to and leaving school, the traffic situation on Milking Lane is at times dangerous. It often makes me wonder how the current traffic situation would cope if an emergency vehicle needed to have access to the Lane at peak School times.

Once the new development is completed there is going to be increased traffic usage in the area around the school.

Although a new road is proposed it won't stop parked vehicles parking on Milking Lane at peak School times.

Would it be possible to operate a one way system along Milking Lane and the new road?

- Will the development be completed?

As I am aware the plans have been submitted by the same company who started to build the office development which is now abandoned.

Why was the office development abandoned?

Was it due to a lack of funds?

Will the new development be completed or is there a possibility it will be abandoned mid build?

Thank you for allowing opportunity to make comment regarding the proposed development.

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION - CAPITA
REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE Item 5
DATE: 17th November 2016
TITLE: PETITION – CLARENDON ROAD EAST, BLACKBURN
WARD: Little Harwood
COUNCILLORS: Pat McFall
Abdul Patel
Naushad Surve

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of a petition received requesting traffic calming on Clarendon Road East, Blackburn.

2.0 BACKGROUND

A petition has been received from residents of Clarendon Road East and Tiplady Walk, Blackburn, requesting that the council install speed bumps. They say that vehicles are often speeding on the road and young motor cyclists race up and down the road causing much noise and nuisance.

The petition was signed by 17 residents of 16 properties from a total of 50 properties on Clarendon Road East and 3 residents from 2 properties on Tiplady Walk.

3.0 DETAIL

Clarendon Road East is a long straight cul-de-sac off Lilac Road. The petitioners complain of vehicles speeding mainly up, but also down, the road. They say that some of the drivers are residents of, or visitors to houses on the street but there are also drivers (mostly young men) who appear to drive to the end of the road, wait for a while and then speed back up the street and away.

They also complain of the street being used as a test track by young motorcyclists testing their bikes and scooters.

The petitioners feel that the introduction of speed humps would help to alleviate this problem and their concerns as to the safety of their children.

There is a severely limited budget available for implementing casualty reduction schemes such as this and this budget is currently targeted at known accident black spots. There have been no accidents recorded on Clarendon Road East in the last five years and therefore the road would not qualify for the introduction of a scheme at this time

4.0 IMPLICATIONS

Customer	None
Financial	None
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that:

- the committee support the officer's recommendation that the petitioners request for the introduction of speed humps be refused
- the lead petitioner is informed of the decision.

6.0 BACKGROUND PAPERS: Petition

7.0 CONTACT OFFICERS: Gina Lambert

8.0 DATE PREPARED: 7th November 2016

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION - CAPITA
REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE Item 6
DATE: 15th November 2016
TITLE: PETITION – BANK STREET, DARWEN
WARD: Sunnyhurst
COUNCILLORS: Pete Hollings
Dave Smith
Brian Taylor

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of the receipt of a petition requesting the introduction of residents' parking on Bank Street Darwen

2.0 BACKGROUND

A petition has been received from residents of Bank Street, Darwen, requesting that a residents parking scheme, operational Monday to Friday 8am to 6pm, be introduced on Bank Street.

The petition was signed by 18 residents from 16 properties out of a total of 24 properties on Bank Street.

3.0 DETAIL

Bank Street lies in close proximity to Darwen town centre and runs between Church Street and Sudell Road. Historically the street has been used by some shoppers visiting the town centre but the main parking issue in the area has been during the occasional major event at the nearby St Peter's Church. The petitioners however complain that since the opening of Darwen Aldridge Community Academy (DACA), on Sudell Road opposite to the street, they have had to endure vastly increased visitor parking with vehicles being there all day. Consequently, residents struggle to find places to park.

Under the revised Residents Parking Policy waiting to be submitted to the Executive Board for approval, this request meets the criteria for consideration. There are however several other requests being held in abeyance until the policy is ratified. The policy is clear that at times it may not be possible to progress all requests for feasible schemes e.g. where demand exceeds available resources. When this is the case requests will be prioritised using the assessment factors and those requests that are unable to be progressed will be placed on a waiting list.

4.0 IMPLICATIONS

Customer	Amenity
Financial	Residents Parking Schemes are designed to be cost neutral
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that:

- the Committee support the officer recommendations that the petitioners' request be added to the waiting list of schemes to be considered upon approval of the residents' parking schemes policy
- the lead petitioner be informed of the decision.

5.0 BACKGROUND PAPERS: Petition

6.0 CONTACT OFFICERS: George Bell

7.0 DATE PREPARED: 7th Novemeber 2016