

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