

**PLANNING AND HIGHWAYS COMMITTEE**  
**Thursday, 19 December 2019**

**PRESENT** – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Hussain, Pearson and Browne.

**OFFICERS** - Gavin Prescott (Development Manager), Michael Green and Safina Alam

**RESOLUTIONS**

**74**     **Welcome and Apologies**

The Chair welcomes everyone to the meeting.

There were no apologies.

**75**     **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 21<sup>st</sup> November 2019 be confirmed and signed as a correct record.

**76**     **Declaration of Interest**

**RESOLVED** – There were no Declarations of Interest received.

**77**     **Planning Application Summary**

The Committee considered reports of the Director of Growth and Development detailing the planning application.

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

**77.1**   **Planning application 10/19/0706**

*Speakers – Mr Farooq Rafiq*

**Applicant – Homewood Properties Ltd**

**Location and Proposed Development – Palm Tree Islamic School (Former Montague Health Centre)**

Full Planning Application for Demolition of Former Health Centre and construction of 5 storey Apartment Block consisting of 76 no, 1 and 2 bedroom apartments with associated car parking

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and a Section 106 of the Town and Country Planning Act 1990, relating

to the provision of formal/signed contracts for the lease of a percentage of the apartments as per the submitted details, or as otherwise agreed with the Local Planning Authority and details of their full marketing plan, lettings policy, management and maintenance plans to the satisfactions of the Local Planning Authority.

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Director of Growth & Development will have delegated powers to refuse the application.

**77.2 Planning Application 10/19/0887**

**Applicant** – Blackburn with Darwen Council

**Location and Proposed Development** – Haslingden Road (Old Bank Lane to Lions Drive) Blackburn, BB1 2ND

Full Planning Application (Regulation 3) for Highways improvements including road widening; new roundabout at junction of Old Bank Lane; boundary wall; new point of access into housing allocation site to South of Haslingden Road and demolition of associated building.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and additional conditions in the Update Report.

**77.3 Planning Application 10/19/0888**

*Speaker – Paula Callaghan*

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – Land between Roman Road and Blackamoor Road, Blackburn, BB1 2LG

Full Planning Application (Regulation 3) for a new link road and associated junction works

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director Report and additional conditions in the Update Report.

**77.4 Planning Application 10/19/0947**

**Applicant** – Lidl Great Britain Ltd

**Location and Proposed Development** – Furthergate Works, St Clement Street, Blackburn, BB1 1AB

Minor Material Amendment for Variation of Condition No's 5, 11, 13, 20 and 23, pursuant to planning application 10/18/1094 "Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works

including improved access, parking area and landscaping" - to amend site layout to provide for proposed removal of Cherry Street egress and boundary treatment amendments.

### **Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Refused that the proposal will be detrimental to the efficiency and safety of highway users, by virtue of generating excessive right turn manoeuvres onto Furthergate from the St Clements Street with Furthergate junction; contrary to Policy 10 of the Local Plan Part 2 and in accordance with Section 109, paragraph 109 of The Framework.

### **78 Proposed Edgworth Cricket and Recreation Ground TPO**

The Committee were requested to endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Manager) in making and serving the Edgworth Cricket and Recreational Club Tree Preservation Order 2019. The Committee were also requested to confirm Edgworth Cricket and Recreational Club Tree Preservation Order 2019 (ref: N29) without modification.

The Council made the Order following a request from local ward Councillor Jean Rigby to the Council's Environment Department in September 2019, to assess whether the trees within the site were considered for protection. Councillor Rigby confirms that the request was put forward in consultation with the Chair of the North Turton Parish Council.

As a result of this request, a Tree Evaluation Method for Preservation Orders (TEMPO) was carried out by the Council's Arborist on the 2<sup>nd</sup> October 2019. It was considered that there were two distinct areas around the site which were worthy of Group Tree Preservation Orders (TPO). These were:

- 1) G1 around the perimeter of the cricket ground; and
- 2) G2 around the perimeter of the bowling green, and to the east of the Barlow Institute. As such, following this assessment, it was considered that a Tree Preservation Order (TPO) should be made. In addition, an individual sycamore tree to the east of the cricket club house is also considered to be worthy of protection (ref: T1).

**RESOLVED** – Approved that the actions of the Arborist and Planning Manager (Development Management) in making and serving the Edgworth Cricket and Recreation Ground Tree Preservation Order 2019 be endorsed.

That the Edgworth Cricket and Recreation Ground Tree Preservation Order 2019 (ref: N29) is confirmed without modification.

### **79 Stopping Up of Part of Charles Street, Darwen**

A report was submitted to inform Members of a request received from the Growth and Development team to formally Stop-up part of Charles Street, Darwen from its junction with Edward Street in a north easterly direction and a further pathway which crosses the land and runs from the footbridge to the rear of Duckworth Street (as per the attached plan) and to ask Members to authorise the Director of HR, Legal and Governance to apply to the Magistrates' Court to obtain the necessary Order.

Blackburn with Darwen Highways received a formal request on 14<sup>th</sup> November 2019 from the Growth and Development team, for the Stopping Up and an undertaking to bear all costs in obtaining the Stopping Up Order as described in the Council's fees and charges list.

The Growth team are intending to dispose of a parcel of land which abuts this section of Charles Street and as part of that process, will provide an alternative footpath around the land as the existing one which currently crosses the land will be closed permanently. The alternative path will follow the line of and occupy part of this section of Charles Street. A second path which crosses the land and runs from the footbridge to the rear of Duckworth Street will also be closed permanently as part of the stopping up. It is felt that this path is not extensively used and more importantly that the planned alternative path will provide an adequate route for the pedestrians to access the shopping area and bus stops.

The section of Charles Street to be stopped up no longer exists as highway and has been landscaped. It also serves no properties. It is reasonable to take the view that it has no role as a public highway and is therefore eligible to be stopped up under the terms of S 116 of the Highways Act 1980.

**RESOLVED** – That the report be authorised to progress with the closure of the street.

## **80**     **Stopping Up of Streets Griffin Area**

A report was submitted to inform Members of the receipt of a request from the Growth and Development team for the Council to progress an Order for the Stopping Up of streets at a development site in the Griffin area and to ask Members to authorise the Director of HR, Legal and Governance to apply to the Magistrates' Court for the necessary Order as per the attached plan.

The Growth and Development Team are working with Seddon Construction to bring forward the Griffin Regeneration/clearance site for a housing development. The previous housing area was declared unfit and identified for clearance and redevelopment. The highways within the area are all still adopted but in need of renewal/refurbishment.

The new housing layout will provide good quality family homes which will include off street parking, front and back gardens and improved public realm. The current proposed scheme layout planned generally follows the existing road pattern but improves local security by removing likely crime hotspots such as back alleys and ginnels.

Although the initial proposed layouts tend to us the existing road pattern, by closing these roads where possible, it not only gives the developer more options to change the layout if necessary but also during the construction phase there would be no need for temporary closures, diversions, etc. as the roads are already closed. All the roads on the site will be readopted once the development is finished and the roads have been renewed.

As the area has been subject to house clearances over a period of time and the roads earmarked for closure within the development sites no longer serve any properties, it is reasonable to take the view that they have no role as public highway and are therefore eligible to be stopped up under the terms of S 116 of the Highways Act 1980.

**RESOLVED** – That the report be authorised to progress with the closure of the street.

## **81**     **Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 91 Canterbury Street, Blackburn, BB2 2HT.

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

**RESOLVED** – Authorisation be given to issue an Enforcement Notice, if ultimately necessary, to seek the cessation of the use of the land as a C4 (HMO) use.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed