

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 17 June 2021

PRESENT – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Slater, Jan-Virmani, Riley, Browne, Harling, Marrow, Baldwin and Desai.

OFFICERS -

RESOLUTIONS

7 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Safina Alam.

8 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 27th May 2021 be confirmed and signed as a correct record.

9 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

10 **Planning Applications for Determination**

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

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

10.1 **Planning Application 10/20/0709**

Applicant – Mr H Saleh

Location and Proposed Development – Jamiatul Illm Wal Huda, Moss Street, Blackburn, BB1 5JT

Full Planning Application for Proposed three storey playing courts.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report

10.2 **Planning Application 10/20/0934**

Applicant – Countryside Properties (UK) Ltd and Together Housing Group

Location and Proposed Development – Land to the North and South of Fishmoor Drive and Land to the East of Roman Road, Blackburn

Full Planning Application (Regulation 4) for: Demolition of one substation building and the erection of 383 dwellings and associated works.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report and Section 106 to the Town and Country Planning Act 1990, relating to the payment of £395,000; plus a monitoring fee of £3950. Payments to be phased as follows:

- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

Should the S106 agreement not be completed with 6 months of the date of the planning application being received, the Strategic Director of Place will have delegated powers to refuse the application.

10.3 Planning Application 10/21/0115

Applicant – Mr Lee Thompson

Location and Proposed Development – Glendale Farm, Tockholes, Darwen, BB3 0NR

Proposed all-weather equestrian riding surface with timber post and rail fence

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report

10.4 Planning Application 10/21/0277

Speaker – Mrs Robinson (*Objector*)

Applicant – McDermott Homes Ltd

Location and Proposed Development – Land off Lomond Gardens, Blackburn

Full Planning Application (Regulation 4) for Residential development consisting of 30 dwellings and associated infrastructure works.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report and the amended condition in the Update Report

10.5 Planning Application 10/21/0477

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Town Hall, King William Street, Blackburn, BB1 7DY

Listed Building Application (Regulation 3) for remedial and renewal works to the Bay Roof projecting to the South facing Elevation to include increasing the diameter of the concealed downpipe within the left hand side (front view) Corinthian Column, renewing the outlets, roof finishes including flashing's/soakers and rainwater goods

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved subject to the conditions highlighted in the Director's Report

11 Appeals Monitoring Report

The Members were presented with an update of recently decided appeals since the previous report in October 2020. It was noted that 8 appeals were determined during the period from 3rd October 2020 to 3rd June 2021. From the 8 appeals 7 were dismissed and 1 was allowed.

The appeals allowed by the Inspectorate, and the reasons provided, have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals and subsequently the number of appeals allowed.

RESOLVED – That the report be noted.

12 Tree Preservation Order - Oak Tree Barn off Greens Arms Road, Chapelton Turton (ref: N30)

The Members of the Committee were requested to endorse the actions of the Council's Arboricultural Officer/Planning Manager in making and serving the Oak Tree Barn off Green Arms Road, Chapelton, Turton, Tree Preservation Order 2021.

In October 2021 the local planning authority received a formal pre-application enquiry to convert the vacant barn into a dwelling house, which was located close to the Sycamore Tree, the subject of the tree preservation order (TPO) (ref: BL\2020\ENQ\09162), During the assessment of this enquiry, the Council's Arboricultural Officer, considered the tree in question, was worthy of protection.

The Arboricultural subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 3rd November 2020. The assessment gave the tree a very high score as illustrated in the report, which fully warrants a TPO.

The tree was situated approximately 6 – 7m to the south of the barn, and was a large mature Sycamore that was a 'notable' tree in the area. The tree was

21m in Height and had a 'Diameter at Breast Height of 1.3m and a Crown Spread of approximately 14m. The tree was part of a cluster of mature trees in the area which was characterised by these large trees as well immediate residential cottages and properties.

No objections were received from the Parish or the ward councillors. Initially, the freeholders of the land objected to the proposed TPO. However, following discussions with the Council's Arboricultural Officer, their objections were removed on the 17th February 2021, understanding why the TPO was made and understanding that this does not negatively affect them or their property.

The tree was of considerable amenity value and could potentially come under threat of removal, or severe pruning, if the barn was made suitable for residential living. The emergency Tree Preservation Order was made on the 11th January 2021 and the Council had six months in which to confirm this order. As such, the deadline for confirmation is 11th July 2021 and if the TPO is not confirmed by this date it would not be protected and could therefore be pruned/felled without requiring consent from the Council.

RESOLVED – That the Committee endorsed the Arborist and Planning Manager (Development Management) in making and serving the Oak Tree Barn off Greens Arms Road, Chapeltown Turton Tree Preservation Order 2021

13 Planning Enforcement Update Report

The Members were presented with an overview of planning enforcement matters. Included in the report were the main list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry being dealt with.

RESOLVED – That the report be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed