

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 20 October 2022

PRESENT – Councillors, David Smith (Chair), Akhtar, Browne, Casey, Desai, Imtiaz, Khan, Liddle, Slater, Mahmood, Marrow and McCaughran.

OFFICERS – Gavin Prescott, Michael Green and Shannon Gardiner

RESOLUTIONS

43 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Paul Browne.

44 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 15th September 2022 be agreed and signed as a correct record.

45 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

46 **Planning Applications for Determination**

The Committee considered reports of the Strategic Director of Place 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.

46.1 **Planning Application 22/0413**

Applicant – Ms Patricia Da Silva

Location and Proposed Development – Land at Ellerslie, Bury Fold Lane, Darwen, BB3 2QG.

Full Planning (Minor) Application: Proposed erection of 6 new detached dwellings and associated works including access arrangements, internal road, driveways and landscaping.

Decision under Town and Country Planning Acts and Regulations –

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

46.2 **Planning Application 22/0752**

Applicant – Ajaii Limited

Location and proposed Development – Land at Museum Street, Blackburn, BB1 7AJ

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos 1 "approved drawings" and removal of condition 4 "tree protection measures" pursuant to planning application 10/21/0442 "Creation of a car park" - amend Condition no.1 "drawings" to revise layout following tree removal", and remove Condition No.4 "no tree protection measures required"

Decision under Town and Country Planning Acts and Regulations –

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

46.3 Planning Application 22/0956

The item was deferred

Applicant – Barratt Homes and Taylor Wimpey

Location and Proposed Development – Land at Brokenstone Road, Blackburn, BB3 0LL

Variation to S106 Agreement pursuant to planning application 10/18/1116 – to:
- amend the payment phasing to allow for the off-site Green Infrastructure contribution to be received in full as part of the first instalment on development commencement; - specify that the Green Infrastructure commuted sum will contribute towards works to enhance the Witton Park Play Areas; and - remove the requirement for a contribution towards off-site highway works on Stockclough Lane

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - With regards to the proposed Deed of Variation relating to the Section 106 Agreement pursuant to planning application 10/18/1116, in accordance with The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, Regulation 5, the request is to be publicised by either a site notice or press notice to allow any representations to be submitted prior to the determination of the application. Since the publication of the main report, it has been identified that the notices had not been published to allow representations to be submitted within the consultation period before the application is determined.

As such, Members are advised that the application is **DEFERRED** to the 17th November Committee meeting.

47 Petition

Members were informed of the receipt of a petition objecting to an approved planning application n (ref. 10/20/0169) for the erection of an industrial unit and industrial yard (Use Class B2) on a former Class B2 factory site at Former Newman Shoes Factory, Garden Street, Blackburn, BB2 1TZ.

The planning application was received by the Council on 3rd March 2020 and was registered on 27th March 2020. The application was subsequently approved on 23rd November 2021 and a number of conditions were imposed to control various aspects of both the construction and operational phases of the development. The application site is located within an area allocated as a “secondary employment area” as defined by Policy 15 in the adopted Blackburn with Darwen Borough Local Plan Part 2.

Neighbour consultation letters were sent out on 29th March 2020 to 68 addresses local to the application site. A site notice was also displayed in close proximity advertising the application. No representations were received.

The current petition was received by the Council on 29th September 2022. The petition objects to the development given noise and dust emissions from the site. A request is made to relocate the concrete batching plant away from residential properties. Further concerns are raised regarding illegal parking in the area adjacent to Hornby Court, Lancaster Street, speeding traffic locally, and ongoing antisocial behaviour. In addition, concerns are raised regarding the potential development of a recycling centre.

The petition contains 33 signatures from residents of Hornby Court. The redacted version of the petition is appended to this report.

Use of the site for a concrete batching plant was approved last year and there are no powers within the planning system to revoke that permission and relocate it. The application was subject to comprehensive discussions with BwD Public Protection during the course of the assessment, and a number of amended plans and reports were submitted in order to overcome the concerns raised. Having reviewed the amended information submitted, BwD Public Protection raised no objections to the development and their final comments were received on 14th May 2020 with a number of conditions recommended.

RESOLVED –

- That the petition be noted
- That the case officer to inform the lead petitioner of the actions to address the concerns and issues raised

48 Enforcement Report

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land 49 St Clement Street, Blackburn, BB1 1NW.

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

RESOLVED – Authorisation was given to the proposed enforcement action for land at 49 St Clement Street, Blackburn, BB1 1NW.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed