

# EXECUTIVE BOARD DECISION



**REPORT OF:** Executive Member for Finance and Governance,  
Executive Member for Growth and Development

**LEAD OFFICERS:** Director of Growth & Development

**DATE:** Thursday, 11 June 2020

**PORTFOLIO(S) AFFECTED:** Growth and Development

**WARD/S AFFECTED:** Livesey with Pleasington;

**KEY DECISION:** N

## SUBJECT:

Petition regarding disposal of open space Land off Old Gates Drive and the disposal of open space land on Old Gates Drive.

## 1. EXECUTIVE SUMMARY

This report has been prepared to inform the Board that a petition has been received from residents in relation to Council owned land at Lomond Gardens/Old Gates Drive, Blackburn.

Residents object to proposed access from the existing public open space on Old Gates Drive to serve the new housing development, utilisation of Old Gates Drive as an access road for temporary construction works and creating a permanent access road to serve a new housing development at Lomond Gardens. They also have concerns of increased traffic during the construction phase and post development.

## 2. RECOMMENDATIONS

That the Executive Board:

Notes the petition. The proposed access to the development will be considered and will be subject to a new formal reserved matters application or a Full planning application. The Growth team will report back to the lead petitioner.

## 3. BACKGROUND

Outline planning permission was granted at the 15th August 2019 Planning & Highways Committee for up to 35 dwellings on the open space land, which is located to the south of Lomond Gardens, and to the east and north of Old Gates Drive. This permission only related to the principle of residential development on the land, with all matters reserved including the proposed access. In response to the public consultation period, 5 letters of objection were received. The planning application reference is 10/19/0542.

In line with Executive Board approval on 12<sup>th</sup> March 2020, statutory requirements for Appropriation of Land and Disposal of Open Space notices for land at Old Gates Drive were released on 9th, 16th and 23rd April 2020. The extent of the land that the notices relate to is shown by the red line boundary in Appendix 1.

A petition containing 239 signatures was received on 30th April 2020 in relation to the site, with objections to temporary and permanent access pre and post development stages and increased volume of traffic.

At the time of the Petition Report being prepared, no new planning applications relating to the site have been received by the Council.

#### **4. KEY ISSUES & RISKS**

The proposed access to the development site is being considered by the preferred developer, and will be subject to a new formal reserved matters application or a Full planning application.

The application will be subject to a full consultation with the local residents on Old Gates Drive, Lomond Gardens and the surrounding streets, inviting comments on the proposed application, which will be taken into consideration by the planning case officer. The contents of the petition will also be included in any consideration of the matters of the proposed appropriation or proposed disposal of open space.

A detailed Transport Assessment will be required to be submitted with the application, which will be subject to a detailed review by the Council's Highway Officers.

#### **5. POLICY IMPLICATIONS**

The proposed disposal is in accordance with the Council's disposal policy and will meet the strategic aims of the Council's Growth Programme.

#### **6. FINANCIAL IMPLICATIONS**

None

#### **7. LEGAL IMPLICATIONS**

Part 7 of the Council's Constitution relates to Petitions. This is considered to be an 'ordinary' petition as it is signed by at least 6 local people. Although many of the issues raised are considered planning matters that are more suitably dealt with elsewhere, the petition sufficiently overlaps with more general policy concerns that it is appropriate it is reported here too. Part 7 also sets out the general parameters of the potential responses or feedback formats that the Council ought to consider in response. This report's recommendation is considered under Part 7 to be an appropriate form of response to formally consider the substantive application.

#### **8. RESOURCE IMPLICATIONS**

None

#### **9. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

#### **10. CONSULTATIONS**

None

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>CONTACT OFFICER:</b>	PMO Growth, pmogrowth@blackburn.gov.uk
<b>DATE:</b>	18 <sup>th</sup> May 2020
<b>BACKGROUND PAPER:</b>	None