

DEPARTMENT OF GROWTH AND DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee 15th July 2020.

TITLE: Petition objecting to a planning application proposing a change of use of land to residential garden space associated with no. 29 Greenhead Avenue, Blackburn.

WARD: Blackburn Central

Councillor: Pat McFall

Councillor: Abdul Patel

Councillor: Mustafa Ali Desai

1.0 PURPOSE OF THE REPORT

1.1 To inform Members of the receipt of a petition objecting to a current planning application (ref. 10/20/0434) proposing a change of use of land to residential garden space associated with no. 29 Greenhead Avenue, Blackburn. The application is submitted by Mr Khan, who owns 29 Greenhead Avenue.

2.0 BACKGROUND AND DETAILS

2.1 On 4th March 2019, the Planning Enforcement team received a complaint alleging unauthorised activity on land to rear of properties on Greenhead Avenue, Furness Avenue and Wellbeck Avenue, Blackburn. Subsequent complaints were received alleging increased activity. These complaints are summarised as follows:

- That Mr Khan doesn't own the land and is claiming possession thereof;
- Removal of Japanese Knotweed from the site;
- Alleged anti-social behaviour and intimidation experienced by local residents in relation to the Mr Khan's conduct.

2.2 Planning Enforcement and Public Protection Officers continued to monitor the site, resulting in the following interventions:

- March 2019; Planning Enforcement issued a Planning Contravention Notice on Mr Khan, requesting further information regarding the land uses and its future intended use. This was returned completed in the appropriate period of time.
- July 2019; Public Protection issued a Community Protection Warning Notice (CPW) on Mr Khan CPW requiring submission of a written program for control of the Japanese Knotweed, for the Environmental Protection Team's approval. No such program was received by the Council. Mr Khan then appeared to leave the site and very little further activity occurred. With the land having no legal owner and little further activity then we were unable to escalate the CPW to service of a Community Protection Notice.

- May 2020; At the request of Planning Enforcement, Mr Khan submitted a planning application proposing change of use of the land to residential garden. The application prompted submission of the petition subject of this report. The petition contains 48 signatures and is appended to this report. The petition requests the following actions by the Council:
 - Reject any plans to close the access
 - Stop work on the unregistered land
 - Stop anti-social behaviour
 - Evict the current occupiers of the land
 - Consult with residents on how to make use of the land
 - Enforce the removal / management of Japanese Knotweed

2.3 The issues raised in the petition have been addressed thus far in a letter to Kate Hollern MP which is appended to this report.

2.4 Members are advised that assessment of the planning application is ongoing and that all material issues that must be considered in the decision making process will be addressed. Should the application be recommended for approval, it will be reported to the Planning and Highways Committee for determination. Alternatively, the application may be refused under delegated officer powers. A copy of the petition is placed in Democratic Services.

3.0 RECOMMENDATION

3.1 That the petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the current planning application.

4.0 BACKGROUND PAPERS

4.1 Petition subject of this report

4.2 Planning application 10/20/0434

4.3 Aforementioned letter to MP.

5.0 CONTACT OFFICER: Nick Blackledge; Senior Planner, Development Management.

6.0 DATE PREPARED: 30th June 2020..