

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 16 November 2023

PRESENT – Councillors, David Smith (Chair), Casey, Khan, Slater, Marrow, Baldwin, Imtiaz, (VC) Mahmood, McCaughran and Jackson.

OFFICERS – Gavin Prescott, Saf Alam, Michael Green & Shannon Gardiner

RESOLUTIONS

38 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

There were no apologies received.

39 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 19th October 2023 be agreed and signed as a correct record.

40 **Declaration of Interest**

RESOLVED – There were no declarations of interest received,

41 **Committee Agenda**

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.

41.1 **Planning Application 10/23/0532**

Applicant – Wainhomes Northwest Limited

Location and Proposed Development - Land off Yew Tree Drive and Whinney Lane, Blackburn

Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 29 pursuant to planning application 10/17/0578 'Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages' to allow for changes to housetypes, layouts and materials.

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

41.2 Planning Application 10/23/0587

*Speakers – Neil Lewis (Agent)
Eric Veitch (Objector)*

Applicant – Countryside Partnerships

Location and Proposed Development – Land at Holden Fold, Darwen.

Full Planning Application for: Erection of 477 residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to a Section 106 Agreement to secure payment of a commuted sum totalling £3,457,804 for additional primary school places in Darwen, secondary school and special needs places across the borough; highway improvement works and sustainable transport initiatives necessary to support the development; additional General Practice capacity; Green Infrastructure / Public Open Space provision towards the upgrade of Square Meadows Sports facility; provision for off-site Biodiversity Net Gain; together with provision of on-site affordable homes (24no.) to be “first homes”, and all the non-adopted green spaces and footways are dedicated for public use, and conditions.

Approved subject to the additional conditions highlighted in the Update Report:

Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a proposed scheme of works to the existing Hedgerow at the northern edge of Friends of Square Meadows Sport Facility shall be submitted to and approved in writing by the Local Planning Authority. The works shall provide for retention of the hedgerow where practicable and replacement where necessary, in proximity to the northern boundary of Friends of Square Meadows, so defined by the red edged site plan, numbered 22-04-P01 Revision D. The scheme shall include:

- The precise position(s) of the retained section of hedgerow and
- the replacement section;
- hedgerow planting species;
- planting frequency / density; and
- a timetable for implementation of planting.

The replacement Hedgerow shall be planted in strict accordance with the approved details and shall be so retained.

REASON: In order to ensure that a hedgerow is assimilated into the adjacent development, and in the interests of good arboriculture practice, in accordance with Policies 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

Members are further advised that the subject hedgerow does not have any protected status and that the Council's Arboricultural consultee offers no objection to its removal, subject to adequate retention and / or replacement planting being secured.

Since publication of the main report, the Council's Drainage consultee – as Lead Local Flood Authority – has withdrawn support for the submitted surface water drainage strategy. The position has arisen following recent on-site investigations, during heavy rainfall, which established that the submitted strategy is not entirely accurate, with specific reference to current overland flow rate and proposed connection into a culvert on the western side of the site. Connection to the culvert is not considered feasible due to it discharging into a nearby field, rather than a defined water course; a circumstance which would exacerbate flood risk. Accordingly, it is agreed with the application, in principle, that submission of a revised surface water drainage strategy would be secured via the following condition:

Prior to commencement of above ground development hereby approved, a scheme for the disposal of foul and surface water from the site must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) Separate systems for the disposal of foul and surface water;
- (ii) Where applicable, details of any proposed point of discharge to a watercourse, to be approved by the Lead Local Flood Authority.
- (iii) A detailed drainage strategy to demonstrate that the post[1]development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (Greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- (iv) Details of any necessary flow attenuation measures, including the use of above-ground green SUDS unless this is unachievable for technical reasons;
- (v) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- (vi) Flood water exceedance routes, both on and off site;
- (vii) Means of access for maintenance and easements (where applicable); (viii) A timetable for implementation, including any phasing of works.

The approved scheme shall also be in accordance with the Non[1]Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

3 Objections – Cllrs Jac Slater, Marrow & Baldwin

41.3 Planning Application 10/23/0777 & 10/23/0778

Speaker – Adam Grey (Agent)

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – St Johns Centre, Victoria Street, Blackburn

Full Planning Permission and Listed Building Consent: Conversion and extension of existing Grade II Listed Church to provide office accommodation.

The Committee emphasised how great the plan was and that it would be a credit for the building to be restored and that the new use would be beneficial to the town centre.

Decision under Town and Country Planning Acts and Regulations –

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

41.4 Planning Application 10/23/0779

Applicant – Justine Sharp

Location and Proposed Development – 3 Buckthorn Lane, Livesey, Blackburn

Full Planning Application for Mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (Sui Generis) and insertion of door within side elevation.

Decision under Town and Country Planning Acts and Regulations –

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

41.5 Planning Application 10/23/0858

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development - Audley and Queens Park Children's Centre/Audley and Queens Park Neighbourhood Learning Centre, Pringle Street, Blackburn, BB1 1SF

Erection of 3 No. single storey extensions, new entrance canopy and internal reconfigurations

Decision under Town and Country Planning Acts and Regulations –

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

42 Tree Preservation Order

A report was submitted to request the committee to endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving 206 Preston New Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5).

On the 22nd May 2023, a formal "Notice of intent to undertake works in a conservation area" was submitted by the Home Coordinator at Northwood Nursing & Residential Care, 206 Preston New Road, Blackburn to undertake pruning works to the Lime trees (ref: 10/23/0431) The system of notification (211 notice) provides the Council an opportunity to consider if trees should be made subject to a TPO.

The notification for works included options for pruning and possible removal of the Lime trees. The Council cannot consider multiple options for works and the Council's Arboricultural officer sought clarification. A site meeting was arranged with the Home Coordinator and the owner attended, to clarify the proposed work.

Options for pruning were discussed which could resolve nuisance issues of low branches causing obstructions to vehicles, shading to the property and safety concerns. Also concerns regarding the disruption to a low boundary wall at the base of each tree were raised. It is recognised growth and expansion of the buttress of each tree, has over time resulted in movement to the wall. Repair and rebuilding options to allow for the retention of the trees were discussed. The owner's preference was however to remove both of the trees.

The two Lime trees are large and the owner of the property was concerned about their safety and potential for falling branches.

From the site visit undertaken by the Arboricultural Officer, both trees looked to be in good health with vigorous canopies. It was recommended to the owner, that pruning to remove any weak or defective branches will keep the trees in an acceptable safe condition, thus safety concerns can be alleviated. If the health and stability of the trees are in question then a professional health and safety inspection report would need to be submitted that provides evidence that these trees are at risk. During the consultation period the Council has not received any objections or information contesting either trees condition.

The Arboricultural officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 13th July 2023. The assessment gave the tree a very high score of 18, which fully warrants a TPO.

The emergency TPO was served on the landowner/freeholder on the 17th July 2023.

It is fully appreciated both trees are large and dominate the entrance off St Silas Road, for this reason there would be no objection to suitable pruning works to remove low nuisance branches, but it is considered there are no justifiable reasons to warrant their removal.

Subsequently, on the 17th July 2023, the local planning authority objected to the notice to fell the trees with the making of a provisional TPO (ref: 10/23/0431).

RESOLVED –

That the actions of the Arboriculturalist and Planning Manager (Development Management) in making and Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) be endorsed.

That Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5) is confirmed without modification

43 Enforcement

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at the 2 Shear Bank Close, Blackburn, BB1 8AW. Background information including grounds for the request were outlined in the report.

RESOLVED – Authorisation was granted for the enforcement to be undertaken at 2 Shear Bank Close, Blackburn

44 Enforcement

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at 784 Livesey Branch Road, Blackburn, BB2 5DN. Background information including grounds for the request were outlined in the report.

RESOLVED – Authorisation was granted for the enforcement to be undertaken at 784 Livesey Branch Road, Blackburn, BB2 5DN

Cllr Baldwin abstained from voting

45 Enforcement

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at 27 & 29 Feniscliffe Drive, Blackburn, BB2 2UF. Background information including grounds for the request were outlined in the report.

RESOLVED – Authorisation was granted for the enforcement to be undertaken at 27 & 29 Feniscliffe Drive, Blackburn, BB2 2UF

46 **Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at 46 Fecitt Brow, Blackburn, BB1 2AZ. Background information including grounds for the request were outlined in the report.

RESOLVED – Authorisation was granted for the enforcement to be undertaken at 46 Fecitt Brow, Blackburn.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed