

PLANNING AND HIGHWAYS COMMITTEE
28th July 2016

PRESENT – Councillors Dave Smith (in the Chair), Ali, Casey, Groves, Khan Z, Hardman, Hussain I, Jan-Virmani (substitute for Hussain F), Khonat, McKinlay, Murray, Nuttall, Oates, Riley, Slater Ja

OFFICERS – Kate McDonald (Planning), David Proctor (Planning), Asad Laher (Legal), Safina Alam and Christine Wood (Democratic Services)

RESOLUTIONS

20 **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Faryad Hussain.

21 **Minutes of the last Meeting held on 16th June 2016**

RESOLVED – That the minutes of the last meeting held on 16th June 2016 were confirmed and signed as a correct record.

22 **Declarations of Interest**

There were no declarations of interest.

23 **Planning Applications**

The Committee considered reports of the Director of Planning and Prosperity detailing the planning applications listed overleaf.

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

RESOLVED – (1) That the following decisions be made on the applications set out overleaf:

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/15/0296	Father Mckenzie Holdings Ltd	Land off Eleanor Street, Blackburn, BB1 1JD Outline planning application for 4 storey 88 bed care home	Deferred for further information from Adult Social Care to be received
10/15/1081	Ellerslie Fold Management Company	Ellerslie, Bury Fold Lane, Darwen, BB3 2QG Outline planning application for outline application (access) for the erection of 22 three and four bedroom dwellings <i>Mr Donald Sharples and Mr Trevor Cowell spoke against the application</i> <i>Mr Alan Kinder and Mrs Da Silva spoke supporting the application</i>	Permit subject to delegated authority being given to the Head of Service for Planning and Transport to approve planning permission subject to the applicants first entering into an agreement under S106 of the Town & Country Planning Act 1990, relating to the payment of a financial contribution towards: a) Affordable Housing (as detailed in the report) and b) Public Open Space (as detailed in the report) with additional conditions as detailed in the Director's report
10/15/1238	Mr Joe Cooney	Land between 21 & 23 Swan Farm Close, Lower	Permit with conditions

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
		Darwen, 0QU Outline planning application for proposed construction of 1 detached dwelling	
10/16/0266	Metacre Ltd	Land to the south of Spring Meadows, Darwen Outline (access) planning application for the erection of up to 134 dwellings with associated infrastructure and landscaping <i>Councillor Neil Slater spoke against the application</i> <i>Mr Chris Betteridge spoke in support of the application</i>	Permit subject to delegated authority being given to the Head of Service for Planning and Infrastructure to approve planning permission subject to the applicant first entering into an agreement under S106 of the Town and Country Planning Act 1990, relating to the payment of a financial contribution towards Affordable Housing (As detailed in the report) with additional conditions as detailed in the Director's report.

24 Blackburn with Darwen Borough Council – Local Enforcement Plan

A report was submitted to:

- Advise the Committee of the requirement for planning authorities to produce a Local Enforcement Plan; and
- To request that the Committee support the proposed plan; and
- To request that the Committee recommend adoption of the plan to the Executive Member for Regeneration

The Committee was advised that the National Planning Policy Framework (NPPF) had recommended that Council's should consider publishing a Local Enforcement Plan to manage enforcement proactively in a way that was appropriate to their area.

The NPPF had also advised that the plan should set out how Authorities would monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and take necessary, appropriate action.

The Committee was advised that the draft proposed document, which was attached to the report, was Blackburn with Darwen Council's response to the NPPF and demonstrated how the Council would investigate alleged cases of unauthorised development.

The plan, which was described as "only a guide" aimed to provide guidance on the options of the Council and how the Council would balance the demands on the services against resources available. If/when the plan was adopted it would be published on the Council's planning enforcement web page.

RESOLVED – That the Planning and Highways Committee: -

1. Note the content of the Plan; and
2. Endorse the making and rationale of the Plan; and
3. Recommend that the Executive Member for Regeneration approve and adopt the Plan; and
4. Note that the Plan will be published on the planning enforcement webpage once adopted.

25 Petition: Planning application 10/15/1402

A report was submitted to advise the Committee of the receipt of two petitions objecting to full planning application 10/15/1402, (retrospective) for change of use of number 53 from retail to café with ancillary use to the first floor (Nos 51-53) and alterations to the shop front, at 51-53 Whalley Range, Blackburn, BB1 6EA.

Grounds for objection to the application were outlined in the report.

The Committee was advised that the application had been approved under delegated powers following chair referral.

RESOLVED –

1. That the petition be noted; and
2. That the Lead Petitioner be informed of the decision.

26 Petition: Planning application 10/16/0577

A report was submitted to advise the Committee of the receipt of a petition on 20th June 2016, containing 35 signatures objecting to full planning application 10/16/0577, full planning application for change of use of number 521 Bolton Road, Blackburn from dwelling into ground floor barbers shop and first floor self-contained flat, together with new shop front.

Grounds for objection to the application were outlined in the report.

The Committee was advised that in accordance with the Council's adopted Scheme of Delegation, the application had been refused. Reasons for refusal of the application were also outlined in the report.

RESOLVED –

1. That the petition be noted; and
2. That the Lead Petitioner be advised of the decision with regard to the application.

27 Petition: King's Bridge Street, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 12 signatures, supporting a Traffic Improvement Application requesting that calming measures be introduced on King's Bridge Street, Blackburn.

Grounds for requesting the traffic calming measures were outlined in the report. Grounds for refusal of the request for traffic calming measures were also outlined in the report.

RESOLVED –

1. That the Committee support the officer recommendation that King's Bridge Street, Blackburn does not currently meet the criteria for the introduction of traffic calming measures; and
2. That the Lead Petitioner be informed of the decision.

28 Petition: Chester Street, Blackburn

A report was submitted to advise the Committee of the receipt of a petition in August 2015, containing 18 signatures, requesting the provision of a footpath at Chester Street, Blackburn.

It was reported that Ward Councillors (Audley) had supported the petition. Grounds for the request were detailed outlining that since development of the Higher Audley area in the 1960's, car ownership had increased and a parking bay had been constructed along this length of Chester Street with an adjacent footway which connected to the existing footway at either end.

It was also reported that due to the length of the bay and also the location of a path midway between the block of properties, the residents had requested a path across the grass verge at that point.

The Committee was advised that it had been agreed that this was a reasonable request, but unfortunately the Section 106 funds available were insufficient to provide a DDA compliant path. It was reported that no other funding was available currently, and therefore it was recommended that the request be refused.

RESOLVED –

1. That the Committee support the officer recommendation that a footpath be **not** provided at the present time; and
2. That the Lead Petitioner be informed of the decision.

29 Petition: Springfield Avenue, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 14 signatures, supporting a Traffic Improvement Application requesting that parking at the entrance to the street from Preston Old Road be restricted.

Grounds for the request were outlined in the report. Grounds for supporting the request were also outlined in the report with a recommendation for approval.

RESOLVED –

1. That the Committee support the officer recommendation to progress a Traffic Regulation Order for double yellow lines at the entrance to Springfield Avenue, Blackburn; and
2. That the Lead Petitioner be informed of the decision.

30 Diversion of Public Footpath 159 (part) Edgworth

A report was submitted to seek Committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 159 (part) Edgworth, around Lower Fold, Edgworth.

It was reported that Blackburn with Darwen Borough Council had received a Public Rights of Way application to divert footpath 159 (part). The applicant had also confirmed that he would provide the new path to a standard that was to the satisfaction of the Highway Authority.

Attached to the report were details enabling the Committee to consider promoting or not promoting the Order and also a copy of a site plan.

It was recommended that the legislative criteria had been met and that the Committee should resolve to 'Promote the Public Path Order'.

RESOLVED – That the Planning and Highways Committee promote the Public Path Order.

31 Exclusion of the Press and Public

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

32 Enforcement: The Duke of York House, Johnson New Road, Darwen

The Committee was advised that following receipt of a retrospective planning application (10/16/0656) at the Duke of York House, Johnson New Road, Darwen, the request to seek authorisation to consider enforcement action had currently ceased and the report had been removed from the agenda.

33 Enforcement: Land at Tockholes Road, Tockholes, Darwen (Timber Sales)

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at Tockholes Road, Tockholes, Darwen.

Grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR and Legal Services, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice to secure

removal/reduction of the unauthorised means of enclosure at Tockholes Road, Tockholes, Darwen.

34 Cost estimate for possible works carried out in default at 3 Goodshaw Avenue, Blackburn

A report was submitted to advise the Committee of the anticipated costs for possible works to be carried out in default at 3 Goodshaw Avenue, Blackburn.

RESOLVED – That the report be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed