

# PLANNING AND HIGHWAYS COMMITTEE

## Thursday, 15 October 2020

**PRESENT** – Councillors, David Smith (Chair), Akhtar, Z Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Browne, Harling and Marrow.

**OFFICERS** – Gavin Prescott, Rabia Saghir and Shannon Gardiner

### RESOLUTIONS

#### 17 **Welcome and Apologies**

The Chair welcomed everyone to the virtual meeting.

Apologies were received from Cllr Jim Casey.

#### 18 **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 15<sup>th</sup> July 2020 be confirmed and signed as a correct record.

#### 19 **Declaration of Interest**

**RESOLVED** – There were no Declarations of Interest received.

#### 20 **Planning Applications for Determination**

The Committee considered reports of the Director of Growth and Development detailing the planning application.

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

#### 20.1 **Planning Application 10/18/1097**

**Applicant** – Blackburn Waterside Regeneration Ltd

**Location and Proposed Development** – Phase 1B Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn, BB2 5HX

Reserved Matters Application for Reserved Matters Application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 1b comprising of 141 dwellings and associated infrastructure

**Decision under Town and Country Planning Acts and Regulations –**

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

#### 20.2 **Planning Application 10/20/0434**

*Speaker – Mr H Khan (The Applicant)*

**Applicant** – Mr H Khan

**Location and Proposed Development** – Land to the rear of 29 Greenhead Avenue.

Full Planning Application for use as garden (retrospective).

**Decision under Town and Country Planning Acts and Regulations –**

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

**20.3 Planning Application 10/20/0511**

*Speaker – Ms Louise Leyland (Agent)*

**Applicant** – Mr and Mrs Hood

**Location and Proposed Development** – Fir Trees, Green Arms Road, Turton, BL7 0NA

Proposed detached garage and relocation of gate

**Decision under Town and Country Planning Acts and Regulations –**

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

**20.4 Planning Application 10/20/0625**

*Speaker – Mr Kenneth Warner (Applicant)*

**Applicant** – Mr Kenneth Warner

**Location and Proposed Development** – Land Adjacent Hob Lane Farm, Blackburn Road, Edgworth, Bolton, BL7 0PU

Full planning application for form new access/re-open former access onto Blackburn Road

**Decision under Town and Country Planning Acts and Regulations –**

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

**20.5 Planning Application 10/20/0720**

*Speaker – Mr Paul Sedgwick (Agent)*

**Applicant** – Mr John Pimblett

**Location and Proposed Development** – 230 Chapeltown Road, Edgworth, Bolton, BL7 9AN

Full Planning Application for Demolition of existing garages, utility room and store and erection of two storey dormer extension to provide quadruple garage, workshop, utility room and kitchen extension with additional bedroom accommodation at first floor level together with change of use of 4 m2 of land outside the curtilage of the existing garden (Green belt) to residential

### **Decision under Town and Country Planning Acts and Regulations –**

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

## **21 Infrastructure Funding Statement 2019/20 and Update to S106 Process**

Members were updated on the recently published Infrastructure Funding Statement for 2019/20, for Blackburn with Darwen Borough Council, and how the Council will begin to add a monitoring fee to any s106 agreement associated with planning applications received from 1st October 2020.

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now requires authorities (from December 2020) to prepare an Infrastructure Funding Statement (IFS) to set out their annual income and expenditure relating to section 106 agreements.

Blackburn with Darwen's 2019-20 IFS provides a summary of financial contributions the Council has secured through section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through section 278 agreements within the 2019-20 monitoring period. It also includes information on the infrastructure works funded through s106 contributions.

In summary, the report provides:

- an overview of s106 and s278 agreements;
- the Council's internal process relating to s106 contributions;
- information on the introduction of monitoring fees;
- the s106 contributions paid to the Council in the 2019/20 monitoring period;
- s106 contributions and s278 works estimated for future years; and
- projects delivered in the Borough via s106 and s278 agreements in the 2019/20 monitoring period.

The information included in the report is updated annually and published on the Council's website. This will ensure the most up to date information on the amount of developer contributions received from new developments, in addition to information on where these monies have been spent is readily available to members of the public and other interested parties. The report does not include information on the infrastructure delivered on site as part of new developments in the borough.

**RESOLVED** – That the report be noted.

## **22 Appeals Monitoring Report**

Members were updated on the recently decided appeals since the last monitoring report in October 2019. It was noted that 9 no appeals in total were determined during the period 18th October 2019 to 2nd October 2020 and 7 no appeals were dismissed, and two appeals were allowed.

With regards to the appeals allowed by the Inspectorate, and the reasons provided, these have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals, and subsequently the number of appeals allowed.

**RESOLVED** – That the report be noted.

**23 Diversion of Public Footpath's 25,26,27,28 and 31 (part) Blackburn**

To seek committee approval for a public path order under the Town & Country Planning Act 1990, Section 257 to divert public footpaths 25,26,27,28 and 31(part) Blackburn

On the 14th February 2019, the Council granted planning permission for a residential development off Ramsgreave Drive in Blackburn (Application 10/18/0895)

Public Footpaths 25,26,27,28 and 31 Blackburn cross the development site and in order that the development can be implemented as per the planning approval, it is necessary that sections of these public footpaths be diverted. The Council has received an application from the developer, Persimmon Homes, to divert the footpaths affected.

Under the Council's Constitution this Committee has 'The power to create, divert, stop up, extinguish and reclassify footpaths and bridleways and the power to make orders and enter agreements in relation to the same'

The Committee therefore has to consider whether, or not, to promote the Order requested by the applicants. In order to assist members in making this decision, officers have prepared a detailed report with the necessary information to enable an informed decision to be made.

**RESOLVED** - To Promote the Order and authorise the Director of HR, Legal, and Governance to progress the necessary legal orders.

**24 Planning White Paper "Planning For The Future" - Summary Of The Issues And Blackburn With Darwen Borough Council's Response To The Ministry Of Housing, Communities & Local Government Consultation - Planning For The Future - White Paper, August 2020**

The Members were informed of the main changes proposed with the White Paper, and the Council's response and views on the Government's proposals to overhaul the planning system.

On the 6th August 2020, the Government published the White Paper "Planning For the Future", which sets out a wide-ranging package of proposals to reform the planning system. The Government stated that the consultation seeks the views on each part of a package of proposals for reform of the planning

system in England, to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions, and ensure more land is available for development where it is needed.

The Government's White Paper proposes a radical and ambitious overhaul of the English planning system, intended to streamline the planning process. It sets out key principles for a new system, which is likely to involve new primary legislation. Key areas of change were focussed on the following:

- Plan making
- Development Management
- Community Engagement
- Design
- Digital
- Stricter Timeframes

The consultation will be for 12 weeks, and closes on Thursday 29th October 2020. This report provides an overview of the proposals set out in the White Paper, and the proposed responses to the main questions set around the proposal.

There are 22 specific proposals set in three areas, which are known as "Pillars", with a series of questions relating to the proposal. The report will focus on the main questions.

## **RESOLVED –**

1. That the issues within the report be noted
2. That the Members approved the proposed responses to the questions raised in the consultation document and sent to the Ministry of Housing, Communities and Local Government by 29<sup>th</sup> October 2020

## **25 Validation Requirements for Planning Applications – Major planning applications and Sustainable Drainage requirements**

Members were requested to agree and recommend that the list of requirements for the submission of planning applications be amended as detailed in the agenda report, in order to ensure that Blackburn with Darwen has an up-to-date formally adopted scheme with reference to recent policy changes.

The Council was required to keep an up-to-date list of the requirements for the validation of planning applications known as the Local Validation Checklist. It was last reviewed on the 18th October 2019. Since the adoption of the latest lists, there have been no changes, which would require a full review of the list until October 2021.

In July 2020, the need for all major developments, and developments within Critical Drainage Areas to be supported was introduced. The measures reinforced existing national sustainable drainage requirements and any relevant developments now cannot be lawfully validated without meeting those requirements.

**RESOLVED** – That Members support the proposed change to the Local Validation Checklist

**26**     **Enforcement - Land at Weasel Lane (Kiln Bank) Tockholes, Darwen**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at Weasel Lane (Kiln Bank) Tockholes, Darwen.

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

**RESOLVED** – Authorisation was given to the proposed enforcement action to remove the unauthorised residential use.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed