

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 17 December 2020

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

OFFICERS – Gavin Prescott, Michael Green and Shannon Gardiner

RESOLUTIONS

33 **Welcome and Apologies**

The Chair welcomed everyone to the virtual meeting.

There were no apologies received.

On behalf of the Committee, the Chair thanked John Wilson, Planning Officer, for his hard work over the years and wished him a happy retirement.

34 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 19th November 2020 be confirmed and signed as a correct record.

35 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

36 **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

36.1 **Planning Application 20/0784**

Speakers – Mr Joe Perkins (Agent)

Applicant – Mr Dominic Holmes

Location and Proposed Development – Cin Cin 1A Church Bank Street
Darwen BB3 3HA

Full Planning Application (Retrospective) for Regularisation of door and retractable canopy to side elevation

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and the amended conditions in the Update Report.

36.2 Planning Application 20/0828

Applicant – Doctor Imran Ali

Location and Proposed Development – 3 Vincent Court Blackburn BB2 4LD

Full Planning Application for Erection of single storey extension to the side of the existing property to form supported living space. New detached outbuilding to the rear to form gym for service user use.

Decision under Town and Country Planning Acts and Regulations –

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

37 Planning Advisory Note - Approach for determining applications relating to properties being used as Children’s residential and supported accommodation.

A report was submitted to committee to set out the intended approach for the determination of planning applications relating to the proposed change of use of properties as residential children’s homes and to explain the reasoning behind the intended approach and invite the comments of the committee.

There has been an increasing number of Certificate of Lawfulness applications to use properties as residential children’s homes. Where a certificate was granted, the Council has no control over the occupancy of that home. As a result, many such homes have the potential of being used to accommodate children from outside of the Blackburn with Darwen area. This is placing a strain on local public sector resources to the detriment of local service delivery, and can make it more difficult for the Council to accommodate local, looked-after children within Blackburn with Darwen.

The Development Management Team had recently dealt with Certificate of Lawfulness applications at properties on Eden Park, Vincent Court and Aintree Drive in the borough. Until recently, officers had judged that the change of use from a house to a children’s home was not material, which in nature does not constitute development, and therefore does not require planning permission. However, in recent months new information has become known, with the approach being taken by Blackpool Borough Council, in the form of case law, and the advice they received from Counsel. In addition, the Development Management Team has been working closely with Children’s Services to better understand the nature of a children’s home use.

It is now considered that the change of use from a house to a children’s home is material and is therefore development requiring planning permission for the following reasons:

- Change in the character of the use based on the day-to-day activity, operations and physical layout;
- Impact of the proposal – the uncontrolled loss of family homes is a material planning consideration; case law has established that

increased strain on local public sector resources can be accepted as an indicator of a material change of use;

It is accepted that not all looked-after children will place strains on the Council's services, however because the Council cannot place any controls on a Certificate of Lawfulness, these factors must all be taken into account when assessing such applications.

The Development Management Team following consultation with Children's Services have produced a Planning Advisory Note, which is intended to inform and assist applicants seeking planning permission for the development of or the change of use of an existing building to a children's care home.

Members of the Committee discussed the Planning Advisory Note and understand the importance of the document.

RESOLVED –

1. That the Committee noted the issues described in the report.
2. That the Committee approved the proposed Planning Advisory Note, to be used as a material planning consideration in the determination of any new applications for children's care homes

38 Enforcement - Land at 25 Percival street, Darwen, BB3 1HB

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 25 Percival Street, Darwen.

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

RESOLVED – Authorisation was given to the proposed enforcement action at 25 Percival Street, Darwen.

39 Enforcement – Land at 216/218 Shear Brow, Blackburn

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 216-218 Shear Brow, Blackburn.

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

RESOLVED – Authorisation was given to the proposed enforcement action at 216-218 Shear Brow, Blackburn.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed