

# PLANNING AND HIGHWAYS COMMITTEE

## Thursday, 16 December 2021

**PRESENT** – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Slater, Jan-Virmani, Riley, Marrow, Baldwin, Desai and Floyd.

**OFFICERS** – Gavin Prescott, Saf Alam, Rabia Saghir & Shannon Gardiner

### RESOLUTIONS

#### 43 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Paul Browne and Cllr Dave Harling who was substituted by Cllr Jackie Floyd.

#### 44 **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 18<sup>th</sup> November 2021 be confirmed and signed as a correct record.

#### 45 **Declaration of Interest**

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

#### 46 **Planning Applications for Determination**

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.

##### 46.1 **Planning Application 21/0442**

**Applicant** – Ajaii Limited

**Location and Proposed Development** – Land at Museum Street, BLackburn BB1 7AJ

Full Planning Application (Regulation 4) for Creation of a car park

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

**RESOLVED** – Approved subject to the conditions highlighted in the Director's report and the update report

##### 46.2 **Planning Application 21/0599**

Speakers – *Mrs Crook (Objector)*  
*Mrs Burrow (Objector)*

**Applicant** – Mr Mark Navesey

**Location and Proposed Development** – Silk Hall Farm, Tockholes Road, Tockholes, Darwen, BB3 0NQ

Full Planning Application for demolition of existing pig sheds, relocation of existing farrowing unit, erection of agricultural livestock building, a straw bedding container and a hard standing

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

**RESOLVED** – Approved subjected to the conditions highlighted in the Director's report

**46.3 Planning Application 21/1001**

**Applicant** – Elan Homes Ltd

**Location and Proposed Development** – Land at Greenbank Terrace and Milking Lane, Lower Darwen, BB3 0RN

Reserved Matters Application for Approval of reserved matters for the appearance, layout, scale and landscaping for the erection of 76 dwellings pursuant to permission 10/18/1149

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

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

**46.4 Planning Application 21/1060**

Speakers – *Mr Mulla (In Support)*  
*Mr Mohsin (Objector)*

**Applicant** – Mr Irfan Mulla

**Location and Proposed Development** – 6 Bargee Close, Blackburn, BB1 1BW

Full Planning Application for Double storey side extension, double and single storey rear extension and front extension including porch.

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

The ward Councillor proposed that the application be deferred so that the applicant and his neighbours could come to an agreement on the development. Members of the Committee discussed the matter and a vote was conducted.

**RESOLVED** – Approved subject to the conditions highlighted in the Directors report

**47 Appeals Monitoring Report**

The Members were presented with an update of recently decided appeals since the last monitoring report in June 2021. During the period 4<sup>th</sup> June to 2<sup>nd</sup> December 2021 there were seven appeals in total which were determined, four of the appeals were dismissed and three 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.

With regards to the appeal decision at Higher Hill Farm, Tockholes (ref: 10/21/0197), officers, on the 18<sup>th</sup> November, had responded to the Planning Inspectorate and asked to explain the decision to allow the appeal in more detail, as it was considered that the local planning authority did object to the design and external appearance of the proposed building, and this was not taken into account in the assessment by the Planning Inspector. At the time of this report, no response has been received from the Inspectorate.

**RESOLVED** – That the report be noted

**48 Definitive Map Modification Order for Public Footpath 185 Darwen**

A report was submitted to seek committee approval for a Definitive Map Modification Order for Public Footpath 185 Darwen.

On the 13th March 2018, the Council granted planning permission for the extension of one dwelling, the creation of an additional dwelling in the barn attached; erection of single storey extensions to the north facing elevation of both buildings, creation of associated residential curtilages and erection of boundary fencing at Cuckoldmans Farm, Roman Road, Eccleshill, Darwen, BB3 3PP (Application 10/17/1373).

A Public Footpath passes through the farmyard and in order that the development can be implemented as per the planning approval, it is necessary that it is diverted. In this respect, on the 13th July 2021 the Council received an application from the farm's owner to divert the section of the footpath affected.

Whilst processing this application for diversion, officers noted that, although the footpath to be diverted is shown on the council's records as FP 185 Darwen, the wording of the Definitive Statement did not fully reflect the line shown on the Definitive Map. A DMMO is therefore required to correct this anomaly before the Public Path Diversion Order can proceed.

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'

**RESOLVED – To Promote the Order**

**49 Diversion of Public Footpaths 185 and 226 Darwen**

A report was submitted to seek Committee approval for a public path order under the Town & Country Planning Act 1990, Section 257 to divert Public Footpath 185 and 226 Darwen.

On the 13th March 2018, the Council granted planning permission for the extension of one dwelling, the creation of an additional dwelling in the barn attached; erection of single storey extensions to the north facing elevation of both buildings, creation of associated residential curtilages and erection of boundary fencing at Cuckoldmans Farm, Roman Road, Eccleshill, Darwen, BB3 3PP. (Application 10/17/1373)

A Public Footpath passes through the farmyard and in order that the development can be implemented as per the planning approval, it is necessary that it is diverted. In this respect, on the 13th July 2021 the Council received an application from the farm's owner to divert the section of the footpath affected.

Whilst processing this application for diversion, an anomaly was noted in the Definitive records that requires a Definitive Map Modification Order to correct. This is subject to a separate report on this committee. This Diversion Order cannot proceed until the anomaly is legally corrected.

**RESOLVED – To Promote the Order**

**50 Planning Enforcement Update**

A report was presented to Members of the Committee of an overview of Planning Enforcement matters. Included in the report were the main list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry being dealt with.

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

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed