

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 15 December 2022

PRESENT – Councillors, David Smith (Chair), Akhtar, Casey, Khan, Browne, Marrow, Baldwin, Imtiaz, Mahmood, McCaughran, Floyd (substitute for Liddle), Hussain (substitute for Desai) and N Slater (substitute for J Slater).

OFFICERS – Gavin Prescott, Michael Green & Shannon Gardiner

RESOLUTIONS

55 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Samim Desai and was substituted by Cllr Mahfooz Hussain, Cllr Sylvia Liddle and was substituted by Cllr Jackie Floyd and Cllr Jackie Slater who was substituted by Cllr Neil Slater.

56 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 17th November 2022 be agreed and signed as a correct record.

57 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

58 **Committee Agenda 15/12/2022**

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.

58.1 **Planning Application 10-22-0653**

Applicant – Mrs Sahdia Aslam / MS Residence Limited

Location and Proposed Development – Priory Croft, Old Hall Lane, Pleasington, Blackburn, BB2 6RJ

Proposed ground floor rear extension, new door and window opening to the side elevation, safety balustrade to front porch flat roof to create roof terrace, new single storey double garage and boundary and entrance treatment. Installation of PV panels to rear dormer flat roof (retrospective)

Decision under Town and Country Planning Acts and Regulations –

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

58.2 Planning Application 10-22-0739

The application was deferred

Applicant – Gryffin House Limited

Location and proposed Development – 5 Moorcroft, Lower Darwen, BB3 0RY

Change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four families - parent(s) and one child - for 12 weeks durations, to allow 'Residential Parenting Assessments'

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – The application was deferred to the next Planning and Highways Committee in January 2023 due to information being submitted at a late stage which needed to be considered

58.3 Planning Application 10-22-0758

Applicant – Mr Mizon

Location and proposed Development – Darwen Windows Ltd, Borough Road, Darwen, BB3 1PL.

Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis use) and removal of a section of link building

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report, a temporary 12 month period, commencing from the date of first operational use and modification of the proposed hours of use to the following hours:

Monday – Saturday: 18:30 – 23:00; and
Sunday: 18:30 – 22:00.

To ensure appropriate hours of use to minimise noise disturbance at noise sensitive premises.

58.4 Planning Application 10-22-0942

Applicant – Claire Forty

Location and proposed Development – Knowsley Farm, Knowsley Lane, Edgworth, Bolton, BL7 0JH

Variation of Condition Nos 2 "approved drawings" and 3 "materials" pursuant to planning application 10/20/1015 "Proposed single and double storey side

and rear extensions and associated site works "vary approved drawings to include new external balcony"

Decision under Town and Country Planning Acts and Regulations –

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

58.5 Planning Applications 10-22-0955 & 10-22-0959

Applicant – Blackburn with Darwen Borough Council

Location and proposed Development – No.11 – 17 Blakey Moor Terrace, Blackburn

10/22/0959 - Relevant Demolition (in a Conservation Area): Demolition of existing units (retrospective).

10/22/0955 - Full Planning Application (Regulation 4): Demolition of existing units and erection double storey extension to provide 1 new restaurant / cafe unit (Use Class E) at ground and first floor with new external seating area to front elevation (retrospective application).

Decision under Town and Country Planning Acts and Regulations –

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

58.6 Planning Application 10-22-0995

Applicant – Blackburn with Darwen Borough Council

Location and proposed Development – 16 Morley Avenue, Blackburn, BB2 4TE

Full Planning Application for single storey extension to side/front and formation of front and rear access ramps.

Decision under Town and Country Planning Acts and Regulations –

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

58.7 Planning Application 10-22-1000

Applicant – Michelle Warren

Location and proposed Development – 11 Arkwright Fold, Blackburn, BB2 4LZ

Full Planning Application for Demolition of existing garage and conservatory and erection of single storey extension to side and rear

Decision under Town and Country Planning Acts and Regulations –

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

58.8 Planning Application 10-22-1066

Applicant – Blackburn with Darwen Borough Council

Location and proposed Development – Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT

Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period

Decision under Town and Country Planning Acts and Regulations –

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

59 Letter to Secretary of State for Levelling Up, Housing and Communities regarding fees relating to retrospective planning applications

The report was submitted to the Committee for Members to approve a letter to be sent to the Secretary of State welcoming the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications reiterating comments previously made to the Secretary of State, in that additional fees for retrospective planning applications are believed to be justified because it allows the Council to recoup a proportion of the enforcement costs accrued when facilitating the submission of retrospective applications, as well as the determination costs.

Blackburn with Darwen Borough Council (BwDBC) previously wrote to the then Secretary of State of Housing, Communities and Local Government on the 17th April 2015 and 19th February 2018, regarding the concerns of the Council's Planning & Highways Committee over the quantity of retrospective planning applications being received. It was agreed and minuted at the Committee meeting on the 17th November 2022, following the determination of a major retrospective planning application that a further letter is sent to the current Secretary of State relating to the issue of retrospective planning application and fees.

The national planning application fees were last increased on the 17th January 2018, and BwDBC received a formal response from the Secretary of State on the 9th March 2018 (ref: 3679132), welcoming the views set out in the letters, and advising that "a higher fee is not charged for retrospective planning applications as the cost to process these applications is not considered to significantly differ to justify a higher charge"

BwDBC welcomes the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications, which will double the normal fee. It is recognised that there are further stages to complete before the Bill receives Royal Assent, however BwDBC would like to reiterate comments previously made to the Secretary of State, in that additional fees for retrospective planning applications are believed to be justified because it allows the Council to recoup a proportion of the enforcement costs accrued when facilitating the submission of retrospective applications, as well as the determination costs.

During the next stages of the Bill, BwDBC would like the Government when considering introducing higher fees for retrospective planning applications to include helpful clarifications to assist local planning authorities, together with the applicants/agents

RESOLVED –

1. That the Committee noted and approved the content of the letter
2. The Committee agreed for the letter to be sent to the Secretary of State for Levelling Up, Housing and Communities with immediate effect.

60 Infrastructure Funding Statement 2021/22

The Members were updated on the recently published Infrastructure Funding Statement for 2021/22, for Blackburn with Darwen Borough Council.

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 2021/22 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 2021/22 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 2020/21 monitoring period;
- s106 contributions and s278 works estimated for future years; and
- projects delivered in the Borough via s106 and s278 agreements in the 2021/22 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 Page 183 Agenda Item 6 2 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 Committee note the content of the report

61 **Petition - Proposed rear balcony with external staircase at Avalon No.69 Manor Road, Darwen BB3 2SN**

Members were informed of the receipt of a petition objecting to a recently approved planning application relating to full planning application for 'Proposed rear balcony with external staircases at Avalon, No 69 Manor Road, Darwen, BB3 2SN' (Ref:10/22/0885)

The planning application was received by the Local Planning Authority on 6th September 2022. The adjoining properties No 67 and 71 Manor Road were sent neighbour consultation letters on the 9th September and the statutory 21 day consultation period expired on the 30th September.

Three letters of objection were received from the owners/occupiers of No 65, 67 and 71 Manor Road, during the consultation period. The application was referred to the Chair of the Committee through the Chair Referral process on the 25th October 2022 to ascertain whether the application is to be determined at officer level or by the Committee. The Chair confirmed on the 25th October 2022, having assessed the information that the application could be determined under delegated powers. The application was subsequently approved on the same date.

A formal complaint was received on 31st October from No. 67 & 71 Manor Road. During the Stage 1 process of the formal complaint process, a site visit was conducted to assess the issues and objections raised by the complainants. During the site visit the lead petitioners hand delivered the petition objecting to the approved planning application.

The petition contained 26 signatures from residents along Manor Road and stated 'Petition for Blackburn with Darwen Borough Council to reverse the planning application for a first floor balcony at the rear of 69 Manor Road, Darwen BB3 2SN due to the lawfulness of the decision based on neighbours privacy and their failure to follow planning procedure'

The objections that were raised by the objectors during the consultation period of the planning application, were fully considered as part of the assessment of the application. The officer delegated report demonstrated that due process was followed and all material considerations as part of the planning application were considered as part of the decision making process.

RESOLVED – That the petition be noted.

62 **Enforcement**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land 33 Scar Street, Blackburn.

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

RESOLVED – Authorised was given to the proposed enforcement action for land at 33 Scar Street, Blackburn.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed