

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 14 September 2023

PRESENT – Councillors, David Smith (Chair), Casey, Khan, Marrow, Baldwin, Desai, Imtiaz, Mahmood, McCaughran, Jackson, Patel, Khonat and Hardman (substitute for Slater).

OFFICERS – Nick Blackledge, Saf Alam, Rabia Saghir and Shannon Gardiner

RESOLUTIONS

25 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Jacquie Slater and was substituted by Cllr Derek Hardman.

26 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 17th August 2023 be agreed and signed as a correct record.

27 **Declaration of Interest**

RESOLVED – There were no declarations of interest received.

28 **Planning Application 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.

28.1 **Planning Application 10-23-0497**

Speaker – Richard Maudsley (Agent)

Applicant – Mr H and P Gregson

Location and Proposed Development – Land at Hollin Bridge Street, Hollin Bridge Street, Blackburn, BB2 4AY.

Proposed construction of an industrial unit (B2/B8 use) with associated office space.

Decision under Town and Country Planning Acts and Regulations –

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

28.2 Planning Application 10-23-0564

Speaker – Jody Harrison (Objector)

Applicant – Mr Graham Prescott

Location and Proposed Development – Ryal Fold Barn, Tockholes, BB3 0PB

Change of use of land to include in residential garden (Use Class C3) and erection of a double storey side extension to form annex.

Decision under Town and Country Planning Acts and Regulations –

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

28.3 Planning Application 10-23-0629

Applicant – Longshaw Infants School

Location and Proposed Development – Longshaw Infants School, Crosby Road, Blackburn, BB2 3NF.

Variation/Removal of Condition/Minor Material Amendment for Variation of Conditions 2 (approved drawings), 8 (parking), 20 (EV charging) and removal of conditions 7 (site access) and 9 (closure of existing access) pursuant to application 10/21/1202 "Erection of single storey nursery building" - Reduction in height of building, replace side bi-fold door with a window, install cowls to roof, formation of new play area, parking layout changes and erection of decking / ramped access to rear and side elevations

Decision under Town and Country Planning Acts and Regulations –

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

29 Definitive Map Modification Order for Public Footpath 253 Darwen

A report was submitted to seek approval from the committee for a Definitive Map Modification Order (DMMO) for Public Footpath 253, Darwen.

In 2021 the council had a Stage 1 complaint regarding public rights of way and planning issues around developments along Commercial Road, Darwen.

The complaint centred round whether the route of Public Footpath 253 Darwen had been considered fully whilst granting planning permission for certain of the developments. In addition the actual route of the public right of way shown on the Definitive Map and other contemporary documents was brought into question.

There were two versions of the definitive map sheet for this area, both maps showed FP 253 Darwen along the same general route but poor draughtsmanship on one of the copies appeared to show the route encroaching into the curtilage of the Anchor Bank property. The OS base plan of this copy also showed a footpath along the eventual line of Commercial Road rather than on the definitive line of the footpath along the western side of the boundary wall of Darwen Sewage Treatment Works. These discrepancies formed the basis for much of the Stage 1 complaint.

In addition to the above, FP 253 Darwen has been the subject of two diversion orders over the years; one in the late 90's to accommodate the building of the M65 and one in 2006 for security reasons at Crown Paints.

A DMMO was required to consolidate these diversions into the Definitive Map and Statement and to provide clarity of the records going forward.

A detailed report with the necessary information was included to assist the Members in making their decision.

RESOLVED - That the committee Promote the Order and authorise the Director of Legal & Governance to progress the legal order.

30 Diversion of Public Footpaths 80, 51 & 52 Blackburn

A report was submitted to seek approval from the committee for a public path order under the Town & Country Planning Act 1990, Section 257 to divert Public Footpaths 80, 51 & 52 Blackburn.

On the 27th May 2022, the Council granted planning permission for the construction of a new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road on land to South East Lower Philips Road Whitebirk Industrial Estate Blackburn BB1 5UD. (Application 10/21/1345)

Three Public Footpaths were affected by the proposals and in order that the development can be implemented as per the planning approval, it is necessary that they are diverted. In this respect, early in the planning process, 7th December 2018, the Council received an application from the developer to divert the footpaths affected.

The council's public rights of way team have subsequently worked with the developer as to how to best incorporate the necessary diversions within his proposals.

RESOLVED – That the committee Promote the Order and authorise the Director of Legal & governance to progress the legal order.

31 Enforcement

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at the former Hob Lane Farm, 475 Blackburn Road, Turton.

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

RESOLVED – Authorisation was granted for the enforcement to be undertaken.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed