

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 15 June 2023

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

OFFICERS – Martin Kenny, Rabia Sagir, Saf Alam & Shannon Gardiner

RESOLUTIONS

7 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Jacque Slater who was substituted by Cllr Derek Hardman. Apologies were also received from Cllrs Zamir Khan and Matthew Jackson.

8 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 25th May 2023 be agreed and signed as a correct record.

9 **Declaration of Interest**

RESOLVED – There were no declarations of interest received.

10 **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.

10.1 **Planning Application 10-22-1135**

Applicant – Persimmon Homes

Location and Proposed Development – Land at Roe Lee, Off Ramsgreave Drive, Blackburn

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos. 18 and 20 pursuant to planning application 10/19/0802 to update the AIA and Landscaping Scheme to allow for removal of dangerous trees and compensatory planting.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Directors Report.

10.2 **Planning Application 10-23-0101**

Applicant – Autolab UK

Location and Proposed Development – Land at Carl Fogarty Way (Plot 3), Blackburn

Construction of a new car showroom (Sui Generis) with ancillary offices including the formation of a new site access, construction of valet garage, associated landscaping and car parking for staff/visitors and vehicle display.

Decision under Town and Country Planning Acts and Regulations –

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

10.3 **Planning Application 10-23-0111**

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Roe Lee Park Primary School, Emerald Avenue, Blackburn, B11 9RP

Full Planning Application (Regulation 3) for Extension to existing staff and visitor 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 additional condition in the Update Report –

Additional Condition:

10. The works hereby approved shall be carried out fully in accordance with the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Bowland Ecology, Ref Bow17_1343, V1, dates 7/6/23.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015), and the National Planning Policy Framework.

10.4 **Planning Application 10-23-0239**

Applicant – Mrs Emma Garner

Location and Proposed Development – 842 Livesey Branch Road, Blackburn, BB2 5EG

Full Planning Application for Double storey side extension, single storey rear extension and conversion of rear garage to habitable room.

Decision under Town and Country Planning Acts and Regulations –

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

10.5 Planning Application 10-23-0243

Applicant – Fairmont PM

Location and Proposed Development – Hollins Industrial Park, Hollins Grove Street, Darwen

Variation of Legal Agreement/S106 for Variation to S106 Agreement pursuant to planning application 10/20/0107 "Hybrid planning application for Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site and Outline permission with 'Access' (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site" - proposed residential units replaced by commercial unit.

Decision under Town and Country Planning Acts and Regulations –

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

10.6 Planning Application 10-23-0277

Applicant – Kingswood Homes UK (Ltd)

Location and Proposed Development – Former Hoddlesden Mill, Johnson New Road, Hoddlesden, BB3 3NT

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.1 "approved drawings" and Condition No. 4 "Boundary Treatments" pursuant to planning application 10/22/0064 "Approval of the reserved matters for the appearance, layout, scale and landscaping for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments pursuant to application 10/21/0008" - to make amendments to: Plots 5 & 42 (set back 1m further from the road); Plots 12 & 13 (slight repositioning of plots); Plot 14 (handing of the property); Plots 20 & 21 (plots swapped and handed/incl of bin store/relocate rear stepped access); Plots 30, 65 & 69 (update to windows and door due to site levels); Boundary treatment to rear Plots 1-22 (rail up to 1.1m high across boundary); Boundary treatment to rear Plots 30-39 (addition of 800mm sleeper along rear gardens with 1.8m high acoustic fence to Plots 30- 32 and 3m close boarded fence to Plots 33-39; Apartment building - updates to doors/windows/materials - structural design requirements & Building Regulations.

Decision under Town and Country Planning Acts and Regulations –

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

10.7 Planning Application 10-23-0282

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Former Blakewater Lodge Rest Home, Swallow Drive, Blackburn, BB1 6LQ

Variation of Conditions 2 (Electric Vehicle Charging Points), 3 (Construction Method Statement), 4 (Surface Water Drainage), 6 (Tree Protection Measures) and 8 (Approved Drawings) and removal of Conditions 1 (Commencement Date) and 5 (Ecological Mitigation) pursuant to planning application 10/20/0080 "Construction of a car park on land between Swallow Drive and Whalley Range including new vehicular access from Swallow Drive, landscaping and boundary fencing" - to all for alterations to the car parking layout and design

Decision under Town and Country Planning Acts and Regulations –

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

10.8 Planning Application 10-23-0284

Applicant – The Department for Education

Location and Proposed Development – Blackburn College, Blakey Moor, Blackburn, BB2 1LH

Variation of Conditions 1 (Temporary Permission), 2 (Approved plans), 4 (Construction Method Statement), 6 (Parking layout), 7 (Scheme relating to public sewer), 8 (Scheme relating to water main) and 9 (Sustainable surface water drainage scheme) pursuant to planning application 10/22/0921 'Temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building' – to amend layout/position of the cabins and provide supplementary information relating to technical matters.

Decision under Town and Country Planning Acts and Regulations –

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

10.9 Planning Application 10-23-0377

Applicant – Blackburn with Darwen Borough Council

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

Temporary pod accommodation (10 sleeper & 2 dining pods)

Decision under Town and Country Planning Acts and Regulations –

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

11 National Planning Performance Tables

Members were updated on the recently published National Planning Performance Tables.

The last report on the National Planning Performance Tables was presented to the 15th September 2022 Committee meeting, informing the Members of the Government's intention to use the tables for designating a Local Planning Authority as underperforming and the thresholds that Authorities will be assessed against in the designation rounds which started in the first quarter of 2017/18. The thresholds were updated in December 2020, and this report is related to the current performance data reported against the updated thresholds and assessment period. The latest national planning performance statistics were published on the 30th March 2023, by the Government (up to December 2022).

In the autumn of 2015, BwDBC were ranked 234th out of 336 local planning authorities relating to the determination of major planning applications within 13 weeks and agreed extensions of time (68.4%). The table 'figure 1' in the report shows the current figures published for the quarter ending December 2022, BwDBC's rank has now rose to 62nd place with a performance of 97.2%, out of 329 local planning authorities (top 19%), a significant improvement. The target set by the Government for the 2 preceding years is 60%. Within the Departmental Business Plan 2019-23, the target is 80%

During the same period with regards to non-majors applications (i.e. within 8 weeks and agreed extensions of time), BwDBC were ranked 332 out of 336 local planning authorities (39%). The table 'figure 2' in the report shows with the current figures published for the quarter ending December 2022, BwDBC's rank has now rose to 39th place with a performance of 96.3%, out of 329 local planning authorities (top 12%), another continued excellent performance. The target set by the Government for the preceding 2 years is 70%. Within the Departmental Business Plan 2019-23, the target is 90%.

It was also noted that on the 12th May 2023, it was announced that the Secretary of State for Levelling Up, Housing and Communities, Michael Gove MP (SoS) moved a step closer to stripping ten councils of their planning powers, stating he is looking to place them in "special measures" for slow decision making, unless their performance improved by June. This would allow developers to submit applications directly to the Planning Inspectorate (PINS) under powers outlined in section 62A of the Town and Country Planning Act. The SoS wrote to the ten councils on the 12th April 2023, that failed to

determine applications within the statutory determination period in the two years up to December 2022.

Although BwDBC is currently meeting the Government's thresholds we must always remain mindful of performance targets as failure to meet the thresholds will see the Local Planning Authority being categorised as underperforming. If the Council were to be designated for poor performance, not only would there be reputational damage and a loss of confidence in the Local Planning Authority but applicants would be able to by-pass the Council and submit applications directly to the Planning Inspectorate for determination. This would be detrimental to the interests of local democracy.

Therefore, it is important that the Council retains sufficient resources to enable the targets to be met and exercises caution in the refusal of major planning applications, ensuring that reasons for refusal can be robustly defended in any subsequent planning appeal. For the period April 2022 to April 2023, 93% of the decisions made by the Council were under delegated powers in accordance with the adopted Scheme of Delegation, and reflects the measures that were introduced in the 2015 Planning Service Improvement Plan.

RESOLVED – That the report be noted and that the Planning Officers be thanked and congratulated for their hard work and performance.

12 **Enforcement**

A report was submitted seeking authorisation to take enforcement action against all person having an interest in the land at Plot 5, Connect 4, Chanters Way, Lower Darwen, BB3 0GY.

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

RESOLVED - Authorisation was given to the proposed enforcement action at land at Plot 5, Connect 4, Chanters Way, Lower Darwen, BB3 0GY.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed