

**PLANNING AND HIGHWAYS COMMITTEE**  
**Thursday, 19 October 2023**

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

**OFFICERS -**

**RESOLUTIONS**

**32 Welcome and Apologies**

The Chair welcomed everyone to the meeting. A special welcome was offered to Cllr Sabahat Imtiaz who had agreed to stand as Vice Chair of the Planning and Highways Committee.

Apologies were received from Cllr Jon Baldwin and was substituted by Cllr Neil Slater.

The Chair advised the Committee of recent planning appeal successes in relation to 5 Moorcroft, 33 Blackburn Road and 10 Brantfell Road. All had been refused at appeal. The Chair offered his thanks to all involved in the process.

**33 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 14th September 2023 be agreed and signed as a correct record.

**34 Declaration of Interest**

**RESOLVED** – There were no declarations of interest received

**35 Committee Agenda**

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.

**35.1 Planning Application 10/22/0223**

**Applicant** – Cawder Construction

**Location and Proposed Development** - Land at Borrowdale Avenue, Blackburn – Erection of 13 bungalows The proposed development was recommended to be granted planning permission, subject to the conditions detailed in Section 5.

This was a supplemental report covering amended drainage matters and revisions to a number of previously recommended conditions. The application was presented to the Planning and Highways Committee in May 2022 with a recommendation to approve. The report was to be read in conjunction with the previous committee report. The proposed amendments related to the drainage matters alone. Any foul waters would be drained directly into the combined sewer with a new connection installed adjacent to Plot 1. Surface waters would be drained with the use of a SuDS scheme. The scheme would comprise of a combination of measures to reduce the flow of surface waters and attenuate it within the site.

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

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

#### **35.2 Planning Application 10/23/0538**

*Speaker – Mr Asif Iqbal (Objector)*

**Applicant** – Divine Patisseries Ltd

**Location and Proposed Development** - Units 7 and 7a Brookhouse Business Centre, Whalley Range, Blackburn - Full Planning Application for Proposed single storey side extension to replace part of previously approved decking area

The proposed development was recommended to be granted planning permission, subject to the conditions detailed in Section 5. The application was presented to the Planning and Highways Committee due to the history of the application site. The previous planning application (the original approval 10/22/1004) was also reported to the Planning Committee on 16th February 2023. The application was deferred at the 17th August 2023 Committee meeting to allow further consideration of the proposed development relating to the increased footprint and capacity of the premises. There were concerns expressed relating to the non-compliance by the applicant relating to the opening hours of the premises pursuant to Condition No.3 of application 10/22/1004.

The Committee were advised that the non-compliance of the opening hours is an enforcement issue, and not a matter for the planning application. These are 2 distinct issues. The proposed enclosure would only be small scale and the overall maximum capacity would not change from the existing situation. The proposal would reduce the existing capacity of the café/restaurant, as the construction of the enclosure would result in a small area of the existing decking becoming inaccessible, therefore there would be a slight reduction in the overall café/restaurant floor space. Furthermore, due to the proposed enclosure of the currently decked area it was felt that noise pollution would be reduced. Following the repainting of double yellow and white lines in the vicinity of the establishment and with access to an on-site car park, enforcement legislation could now be utilised and the premises be monitored.

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

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

**35.3 Planning Application 10/23/0598**

**Applicant** – Blackburn with Darwen Borough Council

Location and Proposed Development - 49 Market Street, Darwen - Full Planning Application (Regulation 3) for Replacement timber shop front

The proposed development was recommended to be granted planning permission, subject to the conditions detailed in Section 5.

The proposal related to external alterations by way of creating new shop fronts and did not involve any change to the existing use of the premises, the balance of use within the shopping frontage was unaffected and therefore no conflict with Policies 26 and 31 arose. Active frontages would be maintained and therefore the character and vitality of the town centre, street scene and immediate area would be retained.

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

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

**35.4 Planning Application 10/23/0616**

**Applicant** – Keepmoat Homes

**Location and Proposed Development** - Land Bounded by Haslingden Road and Fishmoor Reservoir, Haslingden Road, Blackburn - Full Planning Application for: Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment

The proposed development was recommended to be granted planning permission subject to a Section 106 Agreement to secure payment of a commuted sum totalling £961,772, for additional secondary school places; works towards the south east Blackburn major highway / transport scheme; additional general practice capacity; and conditions.

This proposal was a stand-alone application. It was not an amendment to the original grant of planning permission as the changes proposed were considered to fall outside of the scope of those that could be considered minor material amendments. Its submission followed pre-application consultation undertaken between the applicant and the Council. It was considered that the final scheme responded appropriately to representations made during the pre-application process. Members were advised of a correction to paragraphs 3.12 and 3.14 (amended to 3.5.12 and 3.5.14 during the committee meeting) with reference to hospital worker accommodation. The apartments would not be limited to hospital workers but be delivered and secured as affordable housing working in conjunction with Great Places.

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

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

**35.5 Planning Application 10/23/0640**

**Applicant** – Mr Michael Young

Location and Proposed Development Land to rear of 136 to 142 Sandy Lane, Lower Darwen - Full Planning Application for Construction of two bedroom bungalow with associated drive and fencing

The application was put before the Planning and Highways Committee in accordance with the Scheme of Delegation, due to the receipt of public objections (6no). Public objections, in part, addressed issues relating to anti-social activity at the site, including late night noise and fires. Members were advised that the concerns relating to any unauthorised development within the site and associated activity were not material when considering the proposal for a bungalow.

Members were also advised that the applicant had confirmed there was no intention to have touring caravans within the application site once the bungalow was constructed and the application did not propose any.

It was acknowledged that the back street is un-adopted and currently uneven and unsurfaced. Also recognised were the substandard sightlines at the junction of the access track and Sandy Lane, due to vehicles parked on the highway. However, the un-adopted access was already subject to regular vehicular movement – and those vehicles are also subject to the impaired sightlines presented at the junction with Sandy Lane. No evidence of accident history had been provided to support a recommendation for refusal on highway safety grounds.

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

**RESOLVED** – Approved subject to conditions set out within section 4 of the report

**36 Petition supporting an application for a Section 73 application for the following development: ‘Removal of condition No.6 pursuant to planning application 10/21/0628 ‘Retrospective planning application for two storey detached Islamic Education Centre’ – Ref: 10/23/0482, at New Mosque Building Land at rear of Whitehead Street & Foxhouse Street Blackburn**

Members were informed of the receipt of a petition supporting a current Section 73 application relating to the removal of condition No.6 - “There shall be no external amplified call to prayer from the premises”. pursuant to planning application 10/21/0628 'Retrospective planning application for two storey detached Islamic Education Centre' The application premises was the New Mosque Building, Land at rear of Whitehead Street & Foxhouse Street, Blackburn.

The application was submitted by The Committee Secretary.

**RESOLVED** – That the petition be noted and that the lead petitioner be informed of any decision taken, including the outcome of the application.

**37**      **Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at Masjid E Zainabia and Imambargah, Logwood Street, Blackburn, BB1 9TU, in respect of unauthorised change of use for the storage of motor vehicles.

Background information including grounds for the request were outlined in the report. It was noted that two previous Appeals had been dismissed and the storage of vehicles refused.

**RESOLVED** – Authorisation was granted for the Deputy Director of Legal & Governance, in consultation with the Strategic Director of Growth and Development and Deputy Chief Executive, to issue an Enforcement Notice to cease the use of the car storage element of the Masjid-E-Zainaizia Mosque, Logwood Street

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed