

# PLANNING AND HIGHWAYS COMMITTEE

## Wednesday, 15 July 2020

**PRESENT** – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Browne, Harling and Marrow.

**OFFICERS** - Gavin Prescott (Development Manager), Michael Green and Safina Alam

### RESOLUTIONS

#### 10 **Welcome and Apologies**

The Chair welcomed everyone to the virtual meeting.

There were no apologies received.

#### 11 **Minutes of the Previous Meeting**

**RESOLVED** - That the minutes of the previous meeting held on 18<sup>th</sup> June 2020 be confirmed and signed as a correct record.

#### 12 **Declaration of Interest**

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

#### 13 **Planning Applications for Determination**

The Committee considered reports of the Director of Growth and Development detailing the planning application.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the Officers answering points raised during discussion thereon.

#### 13.1 **Planning Application 10/20/0106**

*Speakers* – Sophie Marshall (Agent – Via MS Teams)  
Clare Starbuck (Objector – Written Submission)

**Applicant** – Ms G Lomax

**Location and Proposed Development** – Land Adjoining Moorthorpe Cottage, Park Road, Darwen, BB3 1LQ.

Outline Planning Application with all matters reserved, expect for access, for the erection of 4no. dwellings with detached garages.

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

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

### 13.2 **Planning Application 10/20/0107**

**Applicant** – Pillars Darwen Ltd

**Location and Proposed Development** – Land at Hollins Grove Street, Darwen, BB3 1HG.

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.

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

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and Update Report and Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matter(s):

A. £35,000 as a contribution towards the Darwen East Corridor and upgrading a nearby Public Right of Way/s.

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Head of Service for Planning will have delegated powers to refuse the application.

### 13.3 **Planning Application 10/20/0265**

*Supplemental Report of the Director*

**Applicant** – Landway Properties Ltd

**Location and Proposed Development** – Land off Ramsgreave Drive, Blackburn

Full planning application - Construction of 63 dwellings and associated infrastructure

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

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and Update Report and Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £450,000 towards: off-site highway improvements; contribution towards offsite affordable housing provision; and contribution towards education infrastructure in the North Blackburn locality.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

#### **13.4 Planning Application 10/20/0536**

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – 11-27 Blakey Moor, Blackburn

Full Planning Application (Regulation 4) for: Full planning permission for the demolition of single storey rear extensions and a garage, change of use of existing units to 2no. restaurant / cafe units (Use Class A3) at ground and first floor, change of use and re-profiling of land to the rear to form an associated outdoor seating / courtyard area, and external alterations to provide new frontages

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

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

#### **14 Diversion of Public Footpaths Parts of 207, 211 & 212 and Upgrade of Public Footpath 208 Darwen to a Bridleway**

A report was submitted to seek approval for a public path order under

- The Highways Act 1980, Section 26, to create dridleway along public footpath 208 and
- The Highways Act 1980, Section 119, to divert public footpath 207 and parts of public footpaths 211 & 212.

On the 6th April 2018 the Council granted planning permission for a residential development off Cranberry Lane in Darwen (Application 10/17/1313)

Public Footpaths 207, 211 & 212 Darwen cross the development site and in order that the development can be implemented as per the planning approval, it is necessary that sections of these public footpaths are diverted. Public Footpath 208 Darwen also crosses the development site but is unaffected by it.

The Council has received an application from the developer, McDermott Homes, to divert the footpaths affected and to upgrade the existing Public Footpath 208 Darwen to bridleway.

An application has also been received from an adjoining landowner for a short diversion of part of Public Footpath 211 around the immediate vicinity of their property.

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'

The Committee therefore has to consider whether, or not, to promote the Order requested by the applicants. In order to assist members in making this decision, officers have prepared a detailed report with the necessary information to enable an informed decision to be made.

**RESOLVED** – To Promote the Order and authorise the Director of HR, Legal, and Governance to progress the necessary legal orders.

**15**     **Appeal Decision – Land Adjoining Moorthorpe Cottage, Park Road, Darwen**

Members were informed of the recent appeal decision relating to the outline planning application for the erection of 9 dwellings and detached garges on land adjoining Moorthorpe Cottage, Park Road, Darwen.

At Planning and Highways Committee on 20<sup>th</sup> June 2019 the planning permission was refused. The applicants submitted an appeal to the Planning Inspectorate on the 17th January 2020 (ref: APP/M2372/W/19/324341). The appeal was determined via written representations. The appeal was determined on the 5th June 2020, and the Inspectorate allowed the appeal. A copy of the decision letter is attached to this report. In summary, the Planning Inspector considered that the proposed development was acceptable.

At the same time, the appellants submitted an application for an award of costs in relation to the appeal, as they considered the local planning authority acted unreasonably in making the decision.

The Planning Inspectorate considered the award of costs, and on the 30th June 2020, granted full costs to the appellants.

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

**16**     **Petition - Objecting to a Planning Application Proposing a Change of use of Land to Residential Garden Space Associated with no. 29 Greenhead Avenue, Blackburn.**

A report was submitted informing the Committee of the receipt of a petition objecting to a current Planning Application 10/20/0424 proposing change of use of land to residential garden space associated with no.29 Greenhead Avenue, Blackburn the grounds for which are outlined in the report submitted.

Members were advised that assessment of the planning application was ongoing and that all material issues that must be considered in the decision making process will be addressed. Should the application be recommended for approval, it will be reported to the Planning and Highways Committee for determination. Alternatively, the application may be refused under delegated officer powers.

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

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed