

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 19 November 2020

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

OFFICERS – Gavin Prescott, Safina Alam, Michael Green, Paul Withington and Shannon Gardiner

RESOLUTIONS

27 **Welcome and Apologies**

The Chair welcome everyone to the virtual meeting.

There were no apologies received.

28 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 15th October 2020 be confirmed and signed as a correct record.

29 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

30 **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.

30.1 **Planning Application 19/1229**

Speaker – Mr R Maudsley (Agent)

Applicant - PHG Contracting Limited

Location and Proposed Development – HGV Garage to the rear of Perseverance Mill, Industry Street Darwen BB3 3DQ

Full Planning Application for Change of Use from HGV yard and garage to PHG Contracting Yard with associated workshop/store building and offices (Use Class B2/B8).

Decision under Town and Country Planning Acts and Regulations –

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

30.2 Planning Application 20/0415

Speaker – (Cllr) John Slater

Applicant – Mr G Bird

Location and Proposed Development – 8 Church Street Darwen BB3 2RE

Alterations to front elevations including change of window frames. Internal alterations to fit out pub/restaurant, new door opening to accommodate entrance to the rear. Alterations to rear yard to form outdoor decking/lighting and seating along with a bin storage area.

Decision under Town and Country Planning Acts and Regulations –

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

30.3 Planning Application 20/0453

Speaker – Mr Chris Weetman (Agent)

Applicant – Mr Simeon Stuttard

Location and Proposed Development – The Arches Cafe, 581-583 Preston Old Road Blackburn BB2 5HD

Variation/Removal of Condition/Minor Material Amendment for Variation of Conditions pursuant to planning application 10/18/0417; no. 1 (Amend Approved Drawings) to seek retrospective permission for the raised decking and fencing to the front of the premises; No. 3 (Hours of Opening) to amend the opening hours so that the premises will not open to the public outside the following hours: Monday to Saturday 08:00 to 18:00 hours and on Sundays and Bank Holidays: 10:00-19:00 hours; and removal/ variation of condition no. 6 restricting no more than 8 people at any one time to allow 12-16 seats (3-4 tables) externally.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – That the Committee approved the split decision subject to the conditions highlighted in the Director's report and the Update report on the following grounds:

- Allow the variation of condition 1 relating to the approved plans to allow the retention of the boundary fencing and raised decking;
- Allow the proposed variation Condition No.3 relating to the opening hours Monday to Saturday for a temporary two-year period;
- Allow the variation proposed to the Sunday opening hours for a temporary two-year period;
- Add the following condition restricting the use of the outside seating area to the existing opening times:

The outside seating area shall not be used outside the hours of Monday to Saturday 08:00 - 16:00 and, Sundays and Bank Holidays 10:00 - 18:00.

REASON: To protect the amenities of the occupants of nearby residential properties in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

- Refuse the removal of Condition 6.

30.4 Planning Application 20/0459

*Speaker – Mr Joseph Parkins (Agent)
(Cllr) John Slater*

Applicant – Mr Dominic Holmes

Location and Proposed Development – 1A Church Bank Street Vacant Land to NE (side) of Cin Cin Darwen BB3 3HA

Change of Use of Vacant land to A4 use Classification including erection of pergola, shipping container and other associated alterations

Decision under Town and Country Planning Acts and Regulations –

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

30.5 Planning Application 20/0464

Applicant – Mr John Czutkwona

Location and Proposed Development - Wayoh Barn Blackburn Road Edgworth Bolton BL7 0PZ

Approval of Reserved Matters for appearance, landscaping, layout and scale for 5no. dwellings, pursuant to outline permission 10/18/0183.

Decision under Town and Country Planning Acts and Regulations –

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

31 Petition regarding Full Planning Application for the proposed erection of four number dwelling houses, made up of two semi-detached properties on vacant land off Accrington Road, Blackburn

To inform Members of the receipt of the petition received relating to Full Planning Application for the proposed erection of four number dwelling houses, made up of two semi-detached properties on vacant land off Accrington Road, Blackburn.

One petition containing 33 names and addresses objecting to the proposed development was received on 05th November 2020. The reasons against the proposal are as follows;

- Highway safety concerns as a result of the increase the volumes of traffic and increased parking requirements;

- Loss of on-street parking for local residents;
- The potential for disruptions during the construction phase;
- Safety concerns may arise for children given losses of open space;
- The thought of the proposal is causing worry for residents.

Members were informed that the Planning Application had since been withdrawn.

RESOLVED – That the petition be noted.

32 Swan Farm Close - Claim Footpath Rights

A report was submitted to Members for a decision on an application to add a Public Footpath to the Definitive Map and Statement via a Definitive Map Modification Order (DMMO) at Swan Farm Close, Lower Darwen.

The application route was not recorded on the Definitive Map (the legal record of Public Rights of Way) as a Public Footpath. In 2015, the Council received an application for a Definitive Map Modification Order to add the route of the footpath to the Definitive map and statement. The applicant believes that the route is incorrectly recorded on the Definitive Map and that it is historically a footpath. The applicant has submitted a quantity of historical documentary evidence along with a written submission. The application was further supported by a quantity of user evidence.

The Council has a duty to process the application and determine whether or not sufficient evidence exists to ‘make’ a DMMO, or if the application should be refused.

RESOLVED - To Promote the Definitive Map Modification Order (DMMO) at Swan Farm Close, Lower Darwen and support the application.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed