

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 21 January 2021

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

OFFICERS – Gavin Prescott, Rabia Saghir, Saf Alam & Shannon Gardiner

RESOLUTIONS

40 **Welcome and Apologies**

The Chair welcomed everyone to the virtual meeting.

There were no apologies received.

41 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 17th December 2020 be confirmed and signed as a correct record.

42 **Declaration of Interest**

A declaration of interest was submitted by Cllr Jan-Virmani in relation to application 10/20/1013 on the agenda that the applicant was his brother.

Gavin Prescott, Development Manager, submitted a declaration of interest in relation to application 10/12/1210 on the agenda that the site address was, his home address.

43 **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

43.1 **Planning Application 20/0716**

Speakers – Graham Trehwella (Agent)
 Stephen Atherton (Objector)

Applicant – Graham Trehwella - Cass Associates

Location and Proposed Development – Land to the South of Whalley Old Road, Blackburn.

Outline planning application (Regulation 4) with all matters reserved for residential development of up to 165 dwellings

Decision under Town and Country Planning Acts and Regulations –

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

43.2 Planning Application 20/0798

Applicant – Mr Mark McBriar

Location and Proposed Development – Land to the rear of former Meadowcroft Farm, 114 High Street, Turton, Bolton BL7 0EX

The application was withdrawn from the agenda due to a number of late representations being received since publication. This was to allow the issues raised to be fully addressed in detail and to allow a further review of the proposed layout. It is expected that the application will be presented at the next Committee on 18th February.

43.3 Planning Application 20/0934

Speaker – Jan Lourens (Agent)

Applicant – Countryside Properties (UK) Ltd and Together Housing Group

Location and Proposed Development – Land to the North and South of Fishmoor Drive and Land to the East of Roman Road, Blackburn.

Full Planning Application (Regulation 4) for: Demolition of one substation building and the erection of 383 dwellings and associated works.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the additional condition in the Update Report and an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £398,950; plus a monitoring fee of £3950. Payments to be phased as follows:

- £199,475 to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

43.4 Planning Application 20/0996

Speaker – Sophie Marshal (Agent)
Christine Grimwood (Objecting)

Applicant – Djemel & Jennifer Salah-Bey-Carr & Cain

Location and Proposed Development – Hob Lane Farm Barns, Blackburn Road, Turton, Bolton, BL7 0PU

Full Planning Application for Change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works

Decision under Town and Country Planning Acts and Regulations –

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

43.5 Planning Application 20/1013

Cllr Jan-Virmani left the meeting for the following planning application.

Applicant – Mr Nawaz Virmani

Location and Proposed Development – 17 Troon Avenue, Blackburn, BB1 2JG

Conversion of existing domestic garage into accommodation annexe for disabled family member.

Decision under Town and Country Planning Acts and Regulations –

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

43.6 Planning Application 20/1112

Speaker – Cllr Brian Taylor

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Darwen Jubilee Tower, Darwen Moor, BB3 1JX

Listed Building Application (Regulation 3) for New stainless-steel engraved plaques to observation deck, new steel support to upper landing. Replacement of rainwater pipes, signage, broken and missing glazing, ground and first floor door. Repointing and consolidation of walls. Repairs to asphalt weathering, handrails, landings and steps

Decision under Town and Country Planning Acts and Regulations –

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

43.7 Planning Application 20/1210

Applicant – Nicola Boardman

Location and Proposed Development – 3 Fern Crescent, Green Hills, Livesey, Blackburn, BB2 5FS

Decision under Town and Country Planning Acts and Regulations –

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

44 Planning Advisory Note - Approach for determining applications relating to properties being used as Residential and Supported Accommodation

A report was submitted to committee to set out the intended approach for the determination of planning applications relating to the proposed change of use of properties as residential and supported accommodation and to explain the reasoning behind the intended approach and invite the comments of the committee.

There had been an increasing pressure to use properties as residential and supported accommodation for adults. Some of these requests were in the form of Certificate of Lawfulness applications. Where a certificate was granted, the Council has no control over the occupancy of that home. As a result, many such homes have the potential of being used to accommodate vulnerable people requiring care and support from outside of the Blackburn with Darwen area. This is placing a strain on local public sector resources to the detriment of local service delivery, and can make it more difficult for the Council to accommodate local, vulnerable people within Blackburn with Darwen.

Recently officers within the Development Management Team have judged that the change of use from a house to a Residential and Supported Accommodation (for up to 6 people) was not material, which in nature does not constitute development, and therefore does not require planning permission. However, in recent months new information had become known, with the approach being taken by Blackpool Borough Council, in the form of case law, and the advice they received from Counsel. In addition, the Development Management Team has been working closely with Public Protection, Public Health and Adults Social Care Services to better understand the nature of residential and supported accommodation and the issues that occur within the sector.

It is now considered that the change of use from a house to a home for residential and supported accommodation was material and was therefore development requiring planning permission for the following reasons:

- Change in the character of the use based on the day-to-day activity, operations and physical layout;
- Impact of the proposal – the uncontrolled loss of family homes is a material planning consideration; case law has established that increased strain on local public sector resources can be accepted as an indicator of a material change of use;

It is accepted that not all vulnerable people will place strains on the Council's services, however because the Council cannot place any controls on a Certificate of Lawfulness, these factors must all be taken into account when assessing such applications.

The Development Management Team following consultation with Adults Social Care Services have produced a Planning Advisory Note, which was intended to inform and assist applicants seeking planning permission for the development of or the change of use of an existing building to home for residential and supported accommodation.

Members of the Committee discussed the Planning Advisory Note and understand the importance of the document.

RESOLVED –

- That the Committee noted the issues described in the report.
- That the Committee endorsed and approved the proposed Planning Advisory Note, to be used as a material planning consideration in the determination of any new applications for homes for residential and supported accommodation, and the Note to be published on the relevant planning and Adult Social Care web pages.

45 Diversion of Public Footpath 2 Yate & Pickup Bank

A report was submitted to Members of the Committee to seek approval for a public path order under the Town & Country Planning Act 1990, Section 257 to divert public footpath 2, Yate & Pickup Bank.

On the 4th March 2020, the Council granted planning permission for an extension link between the dwelling house and garage of The Coach House Woodhead, Belthorn Road, Belthorn. (Application 10/19/1113). Public Footpath 2 Yate & Pickup Bank passes through the grounds of the Coach House crossing the line of the proposed extension link.

In order that the development can be implemented as per the planning approval, it is necessary that this section of Public Footpath 2 Yate & Pickup Bank be diverted. In this respect, the Council has received an application from the owner of the Coach House to divert the section of the footpath affected.

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'.

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

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed