

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 27 May 2021

PRESENT – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khonat, Slater, Jan-Virmani, Riley, Browne, Marrow, Desai, Brookfield and Mahmood.

OFFICERS – Gavin Prescott, Safina Alam, Asad Laher, Rabia Saghir, Paul Withington, Shannon Gardiner

RESOLUTIONS

1 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Zamir Khan and was substituted by Councillor Quesir Mahmood and Councillor Dave Harling who was substituted by Councillor Stephanie Brookfield.

2 **Minutes of the Previous Meeting**

That the minutes of the previous meeting held on 15th April 2021 be confirmed and signed as a correct record.

3 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

4 **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.

4.1 **Planning Application 20/0760**

Speaker – Mr Arshed Dadhiwala (Objector)

Applicant – Mr Zahim Khan

Location and Proposed Development – Audley Sports and Community Centre, Chester Street, Blackburn, BB1 1DW

Full Planning Application for: Erection of single storey deli-bar takeaway cabin (Use Class A5)

Decision under Town and Country Planning Acts and Regulations –

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

4.2 Planning Application 21/0122

Speakers – *Cllr Neil Slater (Objector)*
Mr Phil Robinson (Applicant)

Applicant – McDermott Homes

Location and Proposed Development – Land at Ellison Fold Way, Darwen, BB3 3ED.

Proposed development: Full Planning Application for: Erection of 343 dwellings with associated works including car parking, landscaping and open space.

Decision under Town and Country Planning Acts and Regulations –

A named vote was requested and voting was recorded as follows:

For

Cllrs Smith, Akhtar, Casey, Desai, Brookfield, Jan-Virmani, Mahmood, Khonat, Riley

Against

Cllrs Russel, Browne, Marrow, Slater

RESOLVED – Approved subject to the conditions highlighted in the Director's report and the Update report and as an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £1,500,000; plus a monitoring fee of £15,000.

Payments are to be phased over a 4 year period and relating to:

- £100,000 for Green Infrastructure
- £642,500 for Highways
- £742,500 for Education
- And £15,000 for monitoring fees

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

4.3 Planning Application 21/0137

Applicant – Mr Czutkwona

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

Proposed development: Removal of Condition / Minor Material Amendment for Removal of Condition No.9, pursuant to planning application 10/20/0464 - Approval of reserved matters for appearance, landscaping, layout and scale

for 5No dwellings, pursuant to outline permission 10/18/0183 - "to allow permitted development rights"

Decision under Town and Country Planning Acts and Regulations –

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

4.4 Planning Application 21/0278

Applicant – Kier Living Ltd

Location and Proposed Development – Land off Pole Lane, Darwen

Variation of Condition Nos 2, 4 and 6 pursuant to application 10/19/1209 - amendments of brick types, dividing fences between semi-detached plots, orientation of garage roof, all to Plots 8-31 and 39-85

Decision under Town and Country Planning Acts and Regulations –

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

4.5 Planning Application 21/0343

Applicant – Kingswood Homes

Location and Proposed Development – Land off Moorland Drive, Blackburn

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.2 pursuant to Hybrid planning application 10/19/0662 seeking "full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings" to amend site layout and make plot substitutions

Decision under Town and Country Planning Acts and Regulations –

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

5 Diversion of Public Footpath 123 Blackburn

A report was submitted to seek committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 123 Blackburn, at Milking Lane, Lower Darwen.

Blackburn with Darwen Borough Council (PROW) is continually reviewing the definitive map to correct errors and maintain the rights of the public to use the network. The route of footpath 123 is recorded as following Milking Lane, Lower Darwen. Milking Lane has long since been moved as part of the development providing approximate 300 houses and a school. To update the definitive map a legal order is required.

The legal route also goes through two front gardens and a fence line. Where the route has not been diverted when the houses were built.

This route no longer exists as recorded and requires amending and diverting to meet the current adjacent highway at Davy Field Road.

RESOLVED – To Promote the Public Path Order.

6 Petition

Members were informed of the receipt of a petition received objecting to a current planning application (ref. 10/21/0277) proposing residential development of 30 homes, with associated infrastructure works at land off Lomond Gardens, Blackburn.

The planning application was received by the Local Planning Authority (LPA) on 15th March 2021. Neighbourhood consultation letters were sent out on 19th March 2021, to 165 addresses local to the application site. In addition, six site notices were displayed and a press notice was published in the Lancashire Telegraph on 29th March 2021. A second and wider consultation by letter was undertaken on 16th April 2021, to 205 addresses, following receipt of additional and amended information.

The Petition subject of this report was received by the LPA on 26th April 2021. The Petition objects to using Lomond Gardens to access the proposed housing development. As an alternative, it is suggested that an existing access off Green Lane is used. This access was constructed by Blackburn with Darwen Council as a temporary access to facilitate recent drainage works on the application site. The application proposes use of the access for construction traffic only, before being reinstated to its former condition, at the cost of the developer.

The petition contained 119 signatures which equates to a representation from all 88 homes on the Redrow Estate off Green Lane – ie. Lomond Gardens, Rannoch Drive, Solway Avenue, Torridon Close and Melfort Close.

RESOLVED - That the petition be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed