

# PLANNING AND HIGHWAYS COMMITTEE

## Thursday, 19 January 2023

**PRESENT** – Councillors, David Smith (Chair), Akhtar, Casey, Browne, Marrow, Baldwin, Liddle, Imtiaz, Mahmood, McCaughran, Floyd (substitute for Desai) and Slater (substitute for Slater).

**OFFICERS** – Gavin Prescott, Shelagh Lyth, Jennifer Scott & Shannon Gardiner

### RESOLUTIONS

#### 63 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Samim Desai who was substituted by Cllr Jackie Floyd, Cllr Jacque Slater who was substituted by Cllr Neil Slater and Cllr Zamir Khan.

#### 64 Minutes of the Previous Meeting

**RESOLVED** - That the minutes of the previous meeting held on 15<sup>th</sup> December 2022 be agreed and signed as a correct record.

#### 65 Declaration of Interest

**RESOLVED** – A Declaration of Interest was received from Cllr Dave Smith in relation to Planning Application 10/22/1138 and that the applicant was an acquaintance.

A Declaration of Interest was received from Cllr Neil Slater in relation to Planning Application 10/22/1138 and that he was a candidate selected by himself as Chair of Darwen at the time.

#### 66 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.

#### 66.1 Planning Application 10-22-0739

**Speakers** – Cllr John Slater (Ward Councillor)  
Brain Sumner (On behalf of the applicant)

**Applicant** – Gryffin House Limited

**Location and Proposed Development** – 5 Moorcroft, Lower Darwen, BB3 0RY

Full Planning Application for: Change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four families - parent(s) and one child - for 12 weeks durations, to allow 'Residential Parenting Assessments'.

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

**RESOLVED** – Refused due to the following reasons:

*Delegated authority is given to the Strategic Director of Growth and Development to refuse planning permission for the following reasons:*

1. The development, by virtue of a significant increase in on-street activity and within the application site, would erode the quiet residential street character and fail to secure an acceptable level of amenity for nearby residents. Accordingly, the development would fail to make a positive contribution to the area, contrary to the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and The National Planning Policy Framework.

2. The development, by virtue of its failure to demonstrate a need arising from the requirements of people with a defined association with Blackburn With Darwen; its nature and scale failing to align with the Council's commissioning strategies; and an unwarranted increase in the level of demand for public support services, to the extent that those services would deteriorate for existing users, is contrary to the requirements of Policy 47 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

**66.2 Planning Application 10-22-0891**

**Applicant** – Mrs P Smith

**Location and Proposed Development** – Holly Cottage, 5 Victoria Terrace, Old School Lane, Tockholes, Darwen, BB3 0NG.

Full Planning Application for Erection of a Stable Block (private use) and a Ménage.

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

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

**66.3 Planning Application 10-22-1002**

*Deferred*

**Applicant** – Ms Gillian Lomax

**Location and Proposed Development** – Land adjoining Moorthorpe Cottage, Park Road, Darwen, BB3 2LQ.

Reserved Matters Application: Approval of Reserved Matters "appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings".

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

**RESOLVED** – Members were advised that the application was withdrawn from the agenda pending further assessment of the proposed dwellings and their relationship with neighbouring properties. Any significant discrepancy with the layout fixed at outline stage will be addressed appropriately through an amendment and a further (14 day) re-consultation.

The application is **deferred** to 16<sup>th</sup> February Planning Committee.

**66.4 Planning Application 10-22-1138**

*Due to Declaring an interest Cllrs Dave Smith and Neil Slater left the meeting and Cllr Akhtar Hussain Chaired the item.*

**Speaker** – Mr Phil Wright (Applicant)

**Applicant** – Mr Phil Wright

**Location and Proposed Development** – Avalon, 69 Manor Road, Darwen, BB3 2SN

Full Planning Application for Proposed rear balcony and staircase.

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

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

**67 Petition**

Members were informed of the receipt of a petition objecting to a current planning application (ref. 10/22/1070) relating to a proposed change of use from a residential dwelling (Use Class C3) to a coffee shop (E, (b)) with the installation of a new shop front. The application premises is 117 Whalley Range, Blackburn, BB1 6EE and the application is submitted by AA Properties (Blackburn) Ltd.

The planning application – reference 10/22/1070 – was received by the Local Planning Authority (LPA) on 11th November 2022, and was subsequently registered on 6th December 2022, after previously being made invalid due to an incorrect location plan being submitted. 10 neighbourhood letters of consultation were sent out on the date of registration to local addresses near the application site. The statutory 21 day consultation period expired 29th December 2022.

The Petition was received by the LPA on 27th December 2022. The Petition objects to the application on the grounds of loss of amenity, odour, sound nuisance, parking issues and the principle of the development in which there are a number of vacant properties available for rent within walking distance of less than 50m. The petition contained 23 signatures, directly from nearby addresses on Whalley Range and Snow Street.

Members were advised that an assessment of the planning application is 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. The statutory 8 week determination date expires 31st January 2023.

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

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed