

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 16 March 2023

PRESENT – Councillors, David Smith (Chair), Akhtar (Vice), Casey, Khan, J Slater, Browne, Marrow, Desai, Liddle, Imtiaz, McCaughran and N Slater.

OFFICERS – Gavin Prescott, Rabia Saghir, Shannon Gardiner

RESOLUTIONS

72 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Quesir Mahmood and Cllr Jon Baldwin who was substituted by Cllr Neil Slater.

73 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 16th February 2023 be agreed and signed as a correct record.

74 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

75 **Planning Applications for Determination**

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.

75.1 **Planning Application 22/0991**

Applicant – Together Housing Group

Location and Proposed Development – Vacant Land corner of Shadsworth Road/ Dunoon Drive/ Orkney Close, Blackburn

Full Planning Application: Erection of 3no. 3 bed, 5 person terraced dwellings with 6 proposed new car parking spaces, together with 4 car parking spaces provided for the existing residents.

Decision under Town and Country Planning Acts and Regulations –

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

75.2 Planning Application 22/1202

Applicant – Rocplas Distribution Ltd.

Location and Proposed Development – Land off Carl Fogarty Way, Blackburn

Construction of a new mixed use (B8/E) building to provide showroom, warehouse and ancillary office space with formation of new access point from Carl Fogarty Way and associated car parking and landscaping works.

Decision under Town and Country Planning Acts and Regulations –

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

Based on the comments made in the Update Report, it was recommended that condition listed in paragraph 5.21 of the main report be amended to the following:

(21) Prior to the commencement of any above ground works on site, a scheme for the provision of electric vehicle charging points and associated cabling infrastructure shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme should accord with the Blackburn with Darwen Planning Advisory Note: Air Quality. The development shall thereafter proceed in strict accordance with the approved scheme and shall not be brought into use unless and until the agreed measures have been provided in their entirety. Any measures installed shall thereafter remain in perpetuity with the development.

REASON: In order to ensure an adequate number of electric vehicle charging points are provided in support of the development, in the interests of minimising impacts on air quality, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

76 Petition supporting an application for full planning permission for the following development: ‘Demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access – Ref: 10/23/0070, at The Farthings, Rosewood Avenue, Blackburn BB1 9SZ

Members were informed of the receipt of a petition supporting a current planning application relating to the demolition of the Farthings Public House and erection of 12 No. new industrial units (E(g), B2 and B8 Use) with new bin store areas, secure cycle and motorcycle areas, landscaping and new vehicular and pedestrian access. The application premises is The Farthings, Rosewood Avenue, Blackburn, BB1 9SZ.

The planning application (Ref: 10/23/0070) was received by the Local Planning Authority (LPA) on 26th January 2023, and was subsequently registered on 31st January 2023. 92 notification letters were sent to the

neighbours and occupants of the closest adjacent properties. The statutory 21 day consultation period expired on 23rd February 2023 for those letter.

The petition was received by the LPA on 23rd February and the petition supports the application. The petition contained 22 signatures, which have been provided by residents and occupants of nearby addresses.

Members were advised that an assessment of the planning application was ongoing and that all material issues that must be considered in the decision making process will be addressed during the course of the application. 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 the delegated officer powers. The statutory 13 week determination date expires on 2nd May 2023.

RESOLVED – That the petition be noted.

77 Petition supporting an application for full planning permission for the following development: ‘Full Planning Application (Retrospective) for Rear dormer (retrospective) (amendments to previously refused application 10/21/1266)’, at 10 Brantfell Road Blackburn BB1 8DN

Members were informed of the receipt of a petition supporting a current planning application relating to a Full Planning Application (Retrospective) for rear dormer (retrospective) (amendments to previously refused application 10/21/1266) at No.10 Brantfell Road, Blackburn, BB1 8DN.

The current planning application (10/23/07776) was received by the Local Planning Authority (LPA). 5 neighbourhood letters of consultation were sent out on the date of registration to local addresses near the application site and a site notice and press notice displayed on 2nd February 2023 and 7th February 2023 respectively. The statutory 21 day consultation period expired on 21st February 2023

The petition was received by the LPA on 9th February 2023. The lead petitioner is the applicant of the current planning application. The petition is submitted specifically in support of dormer extensions to dwelling houses within the Conservation Area (CA) with specific reference made to Corporation Park. The petition also makes specific reference to inconsistencies on planning decisions when assessing planning applications within the CA. Further, it is stated the LPA offer no clear guidance or compromise during the course of an application.

Under Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), rear dormers are not permitted development at dwellings located on Article 2(3) land (CA), hence the need for planning approval for all dormer extensions.

Members are advised that all material issues that must be considered in the decision making process are being currently assessed with the planning application, and this takes into account the previously refused planning application for a near identical proposal (ref: 10/21/1266), and in particular the subsequent appeal decision as this is a fundamental material planning consideration that forms an important part of the assessment of this

application. In addition, the Committee authorised Enforcement action to be taken for the removal of the dormer extension at their meeting on the 21st April 2022 (ref: 2021E0370). The Enforcement Notice was served on the 7th December 2022, which took effect on the 20th January 2023, having a compliance period of 6 months.

RESOLVED – That the petition be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed