

**PLANNING AND HIGHWAYS COMMITTEE**  
**Thursday, 20 April 2023**

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

**OFFICERS** – Gavin Prescott, Saf Alam, Michael Green & Shannon Gardiner

**RESOLUTIONS**

**78**     **Welcome and Apologies**

The Chair welcomed everyone to the last meeting of the municipal year.

Apologies were received from Cllrs Paul Browne, Jim Casey and Sylvia Lidde who was substituted by Cllr Jim Shorrock.

The Chair thanked the officers, Gavin Prescott, Safina Alam, Michael Green and Shannon Gardiner for their support to the Planning and Highways Committee.

**79**     **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 16<sup>th</sup> March 2023 be agreed and signed as a correct record.

**80**     **Declaration of Interest**

**RESOLVED** – There were no Declarations of Interest received.

**81**     **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.

**81.1**   **Planning Application 22/1014**

**Applicant** – Opolwood Developments

**Location and Proposed Development** – Land between Haslingden Road/Brandy House Brow & Old Bank Lane (Queens Park Gardens)

Minor Material Amendment for: Variation of Condition 30 "approved drawings" pursuant to planning application 10/21/1164 to allow for change of house types on plots 51 - 52 and 56 – 59, resulting in an increase in total unit numbers from 69 to 71.

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

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

**81.2 Planning Application 22/1152**

**Applicant** – Mr R Hancock

**Location and Proposed Development** – Land at Watery Lane (between Clough Street and Spring Vale Garden Village), Darwen

Erection of replacement 2m high fencing along the northeast and northwest site boundaries.

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

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

**81.3 Planning Application 22/1198**

*Speaker – Mr Lang (Agent)*

**Applicant** – Mr Steve Charnock

**Location and Proposed Development** – 14 Tower Street, Chapeltown, Bolton, BL7 0EU.

Full Planning Application for Proposed change of use to the land as side garden (Use Class C3) with 1.8m timber fence and erection of single storey rear extension

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

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

**81.4 Planning Application 23/0065**

**Applicant** – Permission Homes Lancashire

**Location and Proposed Development** – Land at Spring Meadows, Darwen

Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 2 pursuant to planning application 10/19/0317 "Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space" to amend house types on plots 11-69.

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

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

**81.5 Planning Applications 23/0130 & 22/0131**

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – 9-15 Town Hall Street, Blackburn, BB2 1AG

Full Planning Application (Regulation 3) for New shop fronts and Advertisement Application for Fascia and hanging signs

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

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

**82 Department for Levelling Up, Housing & Communities Technical Consultation: Stronger performance of local planning authorities supported through an increase in planning fees.**

The Members were informed of a current consultation by the Department for Levelling Up, Housing and Communities (DLUHC) seeking views on improving performance of local planning authorities by:

- Increasing planning fees;
- Building capacity and capability;
- Introducing a more robust performance regime.

As referred to in the Government’s Levelling Up and Regeneration Bill (LURB) last summer, the Government published a consultation on the 28th February 2023, focussed on increasing planning application fees. This will introduce plans to annually adjust planning application fees in line with inflation, with an initial increase of between 25% and 35% being proposed as early as summer 2023.

The Government intends to review fee levels no later than three years following implementation and propose that any extra funds raised by the increase to planning application fees will be ring-fenced for local planning authorities (LPAs) rather than being available to support other Council services, to provide a more effective and efficient service through additional financing and resources.

This consultation takes place for 8 weeks from the 28th February 2023 to 25th April 2023. There are 21 questions within the consultation, and responses to these questions on behalf of Blackburn with Darwen Borough Council are in the main report. The proposed responses to the questions have been presented to the Planning Cross Party Working Group at the meeting on the 18th April 2023.

**RESOLVED** – That the report and the responses to the consultation be noted.

The Members were updated on the recently decided appeals since the last monitoring report in September 2022.

There were 9 appeals in total determined during the period 23th August 2022 to 6<sup>th</sup> April 2023. 7 of those appeals were dismissed and 2 appeals were allowed.

The National performance benchmarking in terms of appeals allowed against the number of applications determined, Blackburn with Darwen Borough Council are performing well. The latest published figures by the Ministry of Housing, Communities & Local Government for the period October 2019 to September 2021 (appeal decisions up to June 2022), show the Council in 18th place out of 330 local planning authorities.

The table within the main report presents data on the performance of local planning authorities against the published criteria for assessing under-performance under section 62B of the Town and Country Planning Act 1990. The data in the table cover minor developments, changes of use where the site area is less than one hectare and householder developments. These are subsequently described collectively as 'non-major developments', having been referred to in previous versions of this table as 'Minor and other developments'. For the quality of decisions, the statistics show the overall figure for planning applications determined in the assessment period of 24 months to the end of September 2021 (and subsequent appeal decisions to the end of June 2022).

The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in Live Table P152a and P152b for major development and in Live Table 154 for non-major development from the data collected by the Ministry of Housing, Communities and Local Government and the Planning Inspectorate. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period.

The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2020 will be used for designation decisions in Quarter 1 2021, this allows for applications to be decided between April 2018 and March 2020 and a 9 month lag to December 2020 for appeals to be decided. The average percentage figure for the assessment period as a whole is used.

The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

Members are advised that there have been no appeals relating to 'major developments' within the same period.

**RESOLVED** – That the report be noted.

**84**     **Planning Enforcement Update**

A report was presented to Members of the Committee of an overview of Planning Enforcement matters. Included in the report were the main list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry dealt with.

**RESOLVED** – That the report be noted.

**85**     **Enforcement**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at Hornby House, 39-41 King Street, Blackburn, BB2 2DH.

Background information including grounds for the request were outlined in the report.

**RESOLVED** - Authorisation was given to the proposed enforcement action at land at Hornby House, 39-41 King Street, Blackburn, BB2 2DH.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed