

**PLANNING AND HIGHWAYS COMMITTEE**  
**Thursday, 19 September 2024**

**PRESENT** – Councillors, David Smith (Chair), S Ali, J Casey, D Hardman, S Imtiaz, Q Mahmood, M Jackson, J Shorrocks, R Khan, P Marrow, M Patel, P Akhtar (substitute for Z Khan) and S Brookfield (substitute for McCaughran).

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

**RESOLUTIONS**

**23**     **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Zamir Khan who was substituted by Cllr Parwaiz Akhtar and Cllr Martin McCaughran who was substituted by Cllr Stephanie Brookfield.

**24**     **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 18<sup>th</sup> July 2024 be approved and signed a correct record.

**25**     **Declaration of Interest**

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

**26**     **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.

**26.1**    **Planning Application 20/1231**

Members were informed that the application was deferred until a subsequent Committee meeting, pending submission of additional information pertaining to flood risk, to allow further detailed assessment, in consultation with The Environment Agency.

**Applicant** – Mr B Quinn

**Location and Proposed Development-** Caravan at Number 6 The Clough, Darwen, BB3 2ED.

Full Planning Application for: Erection of 3no. Self-Build dwellings.

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

**RESOLVED** – That the Planning Application be deferred to a later Committee.

**26.2 Planning Application 23/1140**

**Speaker** – Jonathan Harper (Agent, Rapleys)

**Applicant** – Lidl Great Britian Limited

**Location and Proposed Development** – Former Belgrave Mill, Bolton Road, Darwen.

Full Planning Application for: Erection of a new Lidl food store (Use Class E(a)) with associated car parking and landscaping.

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

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

**26.3 Planning Application 24/0021**

**Speakers:**

Mr Mubarak Darbar (In support of the application)

Mr Ian Longworth (Objector, speaking on behalf of residents)

**Applicant** – Beardwood Musallah

**Location and Proposed Development** – 55 Beardwood Brow & Land off Beardwood, Blackburn, BB2 7AT

Full Planning Application for Proposed single-storey extension to the rear to create library space & meeting room/office, replacement of garage and internal reconfiguration. Use for Friday (Jummah) prayers, alteration to hours of use for facility, extend number of users on-site at any time to maximum of 50 and change of use of vacant land to a car park.

Concerns were raised about the current conditions not being adhered to with regards to parking and the timescales that the facility can be used. It was noted that the parking and use of the facility would be closely monitored, by officers and civil enforcement officers, to ensure the conditions are adhered to.

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

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

**Abstained from voting:**

Cllr Paul Marrow & Cllr Derek Hardman

**26.4 Planning Application 24/0595**

**Applicant** – Blackburn with Darwen Borough Council & Maple Grove Blackburn Ltd.

**Location and Proposed Development** – Former Market Site, Land Bounded by Brown Street, Ainsworth Street and Penny Street, Blackburn.

Full Planning Application/Outline Planning Application for Hybrid Application; Full application for Building One (Use Class F1 for the provision of education, with ancillary Use Classes E(b)(café) and E(g) offices) and accompanying service areas, changes to the road layout, reconfiguration of taxi pick-up/drop off, flood attenuation basins, surrounding public realm and landscaping, and relocation of existing café unit; and Outline application, including access, landscaping and layout, with appearance and scale matters reserved, for Building Two (Use Classes F1/E(g) - education and/or offices/research and development with ancillary Use Classes, E(a) retail, E(b)(café)) and new free-standing café unit.

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

Members were advised of the inclusion of the standard Biodiversity Net Gain Condition, as a statutory, stand-alone condition:

Standard Biodiversity Net Gain Condition

No development shall commence on site unless and until a Biodiversity Gain Plan and a Biodiversity Management and Monitoring Plan has first been submitted to and approved in writing by the Local Planning Authority, which must include 30- year objectives, management responsibilities, maintenance schedules, and a methodology to ensure the submission of monitoring reports. The net biodiversity impact of the development shall be measured in accordance with the DEFRA Biodiversity Metric 4.1 (or any successor of the current version).

Monitoring reports appraising the outcomes of the Biodiversity Management Plan must be submitted to and approved in writing by the Local Planning every 5 years following the commencement of the development for a period of not less than 30 years, unless otherwise stated in the Plan. The monitoring reports must demonstrate how the biodiversity net gain measures applied are progressing towards achieving their objectives together with evidence of arrangements and any rectifying measures needed.

REASON: In order to provide a measurable net gain in biodiversity on the site, in the interests of biodiversity and achieving sustainable development, and to comply with the requirements of The Environment Act 2021 and Policies CP6 and DM15 of the Blackburn with Darwen Borough Council Local Plan (2021-2037)

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

**26.5 Planning Application 24/0636**

**Applicant** – Rummage Rescuers CIC

**Location and Proposed Development** – Unit 2-3 Thomas Street, Blackburn.

Full Planning Application (Regulation 4) for Change of use to retail (Class E).

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

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

**26.6 Planning Application 24/0689**

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – The Former Fleece Inn, 24-26 Penny Street, Blackburn, BB1 6HL.

Full Planning Application (Regulation 3) for Demolition of a former public house, infilling of the basement and preparation of the land to facilitate change of use to public car parking facilities.

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

**The following additional condition is recommended:**

Building demolition shall be undertaken outside of the bird nesting season (March to August, inclusive) unless checks for active bird nests has been established by a suitably qualified ecologist immediately prior to works commencing.

REASON: In order to protect biodiversity and ecological features in accordance with the requirements of Policies CP6 and DM15 of the Blackburn with Darwen Local Plan 2021-2037.

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report and the additional condition in the Update Report (highlighted above).

**26.7 Planning Application 24/0735**

**Speaker** – Rachael Graham (Agent, Persimmon Homes)

**Applicant** – Persimmon Homes Lancashire

**Location and Proposed Development** – Land at Bank Hey Farm, Heys Lane, Blackburn.

Variation of Condition Application / Minor Material Amendment: Variation of Condition No. 15 "Construction Method Statement" pursuant to planning application 10/23/0269 'Hybrid Application seeking Full Planning Permission for a phased development for the erection of 553 No. residential dwellings (Use Class C3) together with associated landscaping, open space, access and infrastructure and Outline Planning Permission for up to 45 dwellings with all matters reserved except access" - to allow for construction access to Phase 1a only (Charles Church - 32 dwellings) to be taken from Bog Height Road, with the construction access into the site for all the other phases to be taken from Jack Walker Way.

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

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

### **27 Diversion of Public Footpath 105 Edgworth (part)**

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 105 Edgworth.

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’.

The Committee considered whether, or not, to promote the Order requested by the applicant. In order to assist members in making this decision, officers prepared a detailed report, within the agenda pack, with the necessary information to enable an informed decision to be made.

**RESOLVED** – That the Committee recommend to Promote the Order and authorise the Director of HR Legal & Governance to progress the necessary legal orders.

### **28 Diversion of Public Footpath 100 Darwen**

A report was submitted to seek committee approval for a public path order under the Highways Act 1980, Section 119 to divert Public Footpath 100 Darwen.

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’.

The Committee considered whether, or not, to promote the Order requested by the applicant. In order to assist members in making this decision, officers prepared a detailed report, within the agenda pack, with the necessary information to enable an informed decision to be made.

**RESOLVED** – That the Committee recommend to Promote the Order and authorise the Director of HR Legal & Governance to progress the necessary legal orders.

### **29 Ministry of Housing, Communities and Local Government consultation - Proposed reforms to the National Planning Policy Framework and other changes to the planning system.**

The Members were informed of the current consultation by the Ministry of Housing, Communities and Local Government seeking views on the Government’s proposed approach to revising the National Planning Policy Framework (NPPF). It also seeks views on a series of wider national planning

policy reforms. The key changes are ultimately focused on a strengthening of the drive to meet housing and other development needs, based around the following:

- Updating the presumption in favour of development
- Strengthening obligations on cross-boundary working
- Changes to housing need
- Housing land supply
- Economic growth
- Green Belt
- Other changes e.g. increasing planning fees; national scheme of delegation (reducing the number of applications requiring planning committee decisions); CPO rules; new towns; urban regeneration; and a long-term national housing strategy.
- Transitional arrangements

The draft revisions to the NPPF (“NPPF24”) announced on 31<sup>st</sup> July 2024 were open for public consultation for eight weeks until 11:45pm on Tuesday 24<sup>th</sup> September 2024. They comprise a mix of proposals that either accept or reverse changes made to the December 2023 version, and also introduce new policies. The key changes are listed above.

**RESOLVED** – That the Committee noted the report and the content of the responses to the consultation

**30** **Petition objecting to a Full Planning Application for the following development: ‘Demolition of existing building and erection of new building for MOT garage and tyre fitting service’ (Ref: 10/24/0577) At: A1 Tyres, Clarendon Road, Blackburn, BB1 9SS**

Members were informed of a petition received objecting to a current planning application (ref. 10/24/0577) relating to the proposed demolition of existing building and erection of new building for MOT garage and tyre fitting service. The application premises is A1 Tyres, Clarendon Road, Blackburn, BB1 9SS.

The planning application – reference 10/24/0577 – was received by the Local Planning Authority (LPA) on 21st June 2024, and was subsequently registered on 19th July 2024, after previously being made invalid. 17 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 on 9th August 2024. A site notice was also displayed near to the site on 23rd July 2024.

It was noted that the Petition was received by the LPA on 7th August 2024. The Petition objects to the application on the grounds of traffic and highways safety, noise, air pollution, incompatibility with residential character and environmental impacts. The petition contained 9 signatures, directly from nearby addresses on Clarendon Road and Victoria Close.

Members were advised that the 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 expired on 11th September 2024, although an agreed extension of time is in place till 2nd October, due to an outstanding noise report required to support the application as requested by the Councils Public Protection Team.

**RESOLVED** – That the Members noted the petition.

**31** **Petition’ letter supporting an application for full planning permission for the following development: ‘Retention of two storey rear extension and front boundary walls (part-retrospective)’ – Ref: 10/24/0560, at 8 Ayr Road, Blackburn, BB1 2EP**

Members were informed of a petition received supporting a planning application relating to Retention of two storey rear extension and front boundary walls (part-retrospective) at No.8 Ayr Road, Blackburn.

The planning application (Ref: 10/24/0560) was received by the Council on 14th June 2024 and was subsequently validated and registered on 16th July 2024. 10 notification letters were sent to the neighbours and occupants of the nearest adjacent properties. The statutory 21-day consultation period expired on 6th August 2024 for those letters.

Members recalled that at the Committee meeting on the 23rd May 2024, authorisation to take enforcement action relating to the two storey rear extension was approved. The petition containing 12 signatures from neighbouring residents was received via email by the Council on 29th July 2024. Members were advised that the application was determined under delegated powers on the 9th August 2024, in accordance with the scheme of delegation.

**RESOLVED** – That the Members noted the petition.

**32** **Petition regarding Full Planning Application (Retrospective) for Retention of rear dormer extension (retrospective) Application reference no: 10/24/0632) At: 204 Preston New Road Blackburn BB2 6PN**

Members for informed of a petition received supporting a current planning application relating to Full Planning Application (Retrospective) for Retention of Rear Dormer extension (retrospective) (ref: 10/24/0632) at No.204 Preston New Road, Blackburn.

The current planning application – reference 10/24/0632 was received by the Local Planning Authority (LPA) on 3rd July 2024, and was registered on the 9th July 2024. 10 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 were displayed on 17th July 2024 and 15th July 2024 respectively. The statutory 21-day consultation period expired on 30th July 2024 for the neighbour notification letters and 7th August 2024 for the site notice. The statutory 14-day consultation period for the press notice expired on 29th July 2023.

It was noted that the petition was received by the LPA on 16th July 2024. The petition contains 78 signatures from residents in the local surrounding area.

Members approved authorisation to take the necessary enforcement action relating to the rear dormer extension. The planning application currently under consideration relates to the same rear dormer extension with no amendments or alteration since the authorisation was granted, and also following the advice given to the applicant following the submission of two formal pre-application enquiries.

It was highlighted that a Ward Member Referral request was submitted by the ward councillors on the 22nd July 2024. In accordance with the adopted Ward Member Referral process, a site meeting was arranged for the 29th August 2024, attended by the Ward Councillor, Chair of the Committee, Opposition spokesperson for the Committee and the Planning Manager, to discuss the background to the current application, the planning assessment including the comments from the Council's Conservation consultee, to ascertain whether the application should be determined under delegated powers or by the Committee. At the time of producing the report, the application was still under consideration.

**RESOLVED** – That the Members noted the petition and that the lead petitioner/agent acting on behalf of the applicant be informed of any decision taken, including the outcome of the application.

**33**      **ENFORCEMENT – Former Belgrave Chapel, Belgrave Square, Darwen BB3 1BU**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at Former Belgrave Chapel, Belgrave Square, Darwen. BB3 1BU.

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

**RESOLVED** – Authorisation was granted for the Deputy Director of Legal & Governance, in consultation with the Strategic Director of Growth and Development and Deputy Chief Executive, to issue an Enforcement Notice.

**34**      **ENFORCEMENT – Land at Former St Mary's College, Shear Brow, Blackburn, BB1 8DX**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the Land Registry as Land at former St Mary's College, Shear Brow, Blackburn.

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

**RESOLVED** – Authorisation was granted for the Deputy Director of Legal & Governance, in consultation with the Strategic Director of Growth and Development and Deputy Chief Executive, to issue an Enforcement Notice if ultimately necessary to secure the cessation of the activity of the premises of uses falling within Use Class F2 (b) of the Town & Country Planning (Use Classes Order) 1987 (as amended).



Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed