
ITEM 3a - 21/00847/OUTMAJ – Land Next To 190 Blackburn Road Heapey

The applicant's agent has sent an email to the Chair and Vice Chair of Planning Committee to express their concern that the committee report for the application may be misleading for Committee Members. This relates to the summary of findings of the independent transport assessment and the applicant believes the Committee Report should include the conclusion from the Tetra Tech report which states that it doesn't raise any concerns with regard to the transport implications of the proposal. The applicant's agent has stated in their email that:

'This information is central to the Council's case (if minded to refuse on highway grounds) and should not have been left out of the officer report whether by oversight or intentionally. Either way it is misleading reporting to Members and should not be relied upon, and defending a (minded to) reason for refusal without evidence has the potential to expose the Council to the risk of an award of costs.'

The applicant is of the opinion that *'the additional highway improvement works would make it [the proposed scheme] financially unviable which is contrary to Government guidance.'*

It is worth stressing that the reporting of this committee item is not to request Member's decision on the outcome of the application. The applicant's appeal against the Council's non-determination of the application has taken the decision out of the Council's hands and the decision will now rest with the Planning Inspectorate. The item is, therefore, in front of Planning Committee to seek its resolution as to whether it is minded to refuse or approve the application.

As noted in the committee report, as the applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application, there is not the possibility of negotiating the additional suggested highway improvement measures. The suggested additional measures will, therefore, need to be discussed during the forthcoming planning appeal. It will be for the appellant to decide whether to contest the suggested improvement measures or table an enhanced offering of the currently proposed measures as part of the appeal process.

Further to the above, the applicant's agent notes they consider the additional suggested improvement works would make the scheme unviable. A viability assessment was not submitted by the applicant as part of the planning application and so this would also be something the appellant would need to present during the appeal process.