



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant:	Agent:
Beardwood Muslim Worship Group	Inspire Planning Solutions Ltd
55, Beardwood Brow	Europa Business Park, Building 67
BLACKBURN	Bird Hall Lane
BB2 7AT	Stockport
	SK3 0XA

Full Planning Application

FOR:

Change of use from dwelling to local prayer facility (Class D1) and self-contained flat (Class C3) with associated alterations to form doors, creation of car parking provision and an additional access

AT:

55 Beardwood Brow
BLACKBURN
BB2 7AT

APPLICATION REFERENCE NUMBER: **10/17/1173**

The application was received: **27/09/2017**

THE DECISION

Date of Decision: 15th March 2018

In pursuance of their powers under the above Act, the Council

PERMITS

The above development in accordance with the details given on the application form and submitted plans. Permission is given subject to the following CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans, drawing references:

Plan Ref:	Title:	Received On:
SP01 Rev. A	Location Plan	29 September 2017
SP02 Rev. D	Block Plan	02 March 2018
PL01 Rev. C	Proposed Floor Plans	01 March 2017
PL02 Rev. B	Proposed Elevations	29 September 2017
01/PL Rev. P7	Car Park and Access Layout	21 February 2018
05/PL Rev. P1	Visibility Splays from new access in so far as it details the sight lines for vehicles only	21 February 2018
1061/TPP/001	Arboricultural Impact Assessment and Arboricultural dated 29 October 2017, undertaken by GM Tree Consultants.	Method Statement,

REASON: To clarify the permission.

3. Notwithstanding the details on approved drawing 05/PL Rev. P1, prior to commencement of the development hereby approved, details of the proposed new pedestrian access point(s) for the site, including details of requisite visibility splays for the proposed access point(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the prayer centre is brought into use and thereafter retained.

REASON: In the interests of highway safety in accordance with Policy 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. Prior to commencement of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall provide details of the objectives, targets and measures to promote and facilitate public transport use, walking, cycling and practices/facilities to reduce the need to travel and to reduce car use. It shall provide details of its management, monitoring and review mechanisms, travel plan coordination and the provision of travel information and marketing. The initiatives contained within the approved travel plan shall be implemented thereafter together with any additional measures that, after review, are found to be necessary to deliver the travel plan objectives.

REASON: To promote alternatives means of transport, in accordance with Policy 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to commencement of the development hereby approved a Traffic Management Plan which shall include the following:

- The relocation of street lighting column
- The relocation of bus stop
- The application of double yellow lines on both sides of Beardwood from the existing double yellow lines up to the western edge of Beardwood Brow
- Construction details of exit point out onto Beardwood
- The enhancement of pedestrian crossing points on the new dropped kerb
- Scheme relating to the management/ marshalling of vehicles visiting the site

The approved works shall be implemented in full prior to the Prayer Centre coming into use and adhered to in perpetuity unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of highway safety and the amenity of local residents in accordance with Policies 8 and 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. Prior to commencement of the development hereby approved, details of covered and secure motorbike and cycle parking shall be submitted to and improved in writing by the local planning authority and shall be implemented prior to first use of the building as a Prayer Centre and retained thereafter.

REASON: To ensure appropriate parking of all vehicles, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies.

8. Before any tree felling of T1 or T2 identified on Drawing Number 1061/TPP/001 is carried out full details (including species, stature and location) of the replacement tree planting identified on Drawing Number 1061/TPP/001 within the approved Arboricultural Impact Assessment and Arboricultural Method Statement, dated 29 October 2017, shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within the first planting season following completion of the new vehicular and pedestrian access works.

Reason: To safeguard the visual amenity of the area in accordance with Policy 9 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. The car parking areas indicated on drawing 01/PL Rev. P7 shall be constructed and marked out prior to the Prayer Centre use commencing, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

REASON: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with Policy 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. The use hereby permitted (Use Class D1) shall not be commenced until details of the acoustic barriers to be installed along the northern boundary of the site in front of parking bays 1 -4 and along the southern boundary of the site shared with 53 Beardwood Brow has been submitted and approved in writing by the Local Planning Authority.

The barriers shall be constructed prior to any commencement of the approved prayer centre use and thereafter retained for the duration of the approved use.

REASON: To prevent loss of amenity to occupiers of neighbouring premises in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. The areas with the exception of the self-contained flat indicated on approved drawing no. PL01 Rev. B received on the 29th September 2017 shall be used as a Prayer Facility only and for no other purpose, including any other purpose in Class D1 of the Town and Country Planning Use Classes (Amendment) Order 2016. Social functions, wedding receptions and funerals are not permitted.

REASON: To safeguard highway safety and the amenity of adjacent dwellings and the area generally in accordance with Policies 8 and 10 Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. The Prayer Centre use hereby approved shall accommodate no more than 30 worshipers/ visitors at any one time without the prior written consent of the Local Planning Authority.

REASON: To safeguard the amenities of the adjoining premises and in the interests of highway safety in accordance with the Policies 8 and 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. The hereby approved Prayer Facility use shall be restricted to between the following times each day: 07:00 hours to 22:00 hours.

Any variation of the above hour's restrictions must be approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. There shall be no externally audible 'Calls to Prayer' from the building or within the application site at any time.

REASON: To protect the amenities of the occupiers of the surrounding properties and the area generally from noise in accordance with Policies 8 and 11 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. No main Friday lunchtime prayer (Juma) shall take place.

REASON: In the interests of highway safety and to safeguard the amenities of nearby residents and the area generally in accordance with Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. The use of the building for any education purposes, social functions, wedding receptions, funerals or as a Madressa are not permitted within the building.

REASON: To safeguard highway safety and the amenity of adjacent dwellings and the area generally in accordance with Policies 8 and 10 Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

17. All trees, hedgerows and any other vegetation on or overhanging the site as shown on Drawing Number: 1061/TPP/001 to be retained, and the hedgerow located on the shared boundary with no. 53 Beardwood Brow shall remain in situ in perpetuity unless the prior written consent of the local planning authority has been formally agreed in writing.

REASON: In the interests of visual amenity in accordance with Policies 9 and 11 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

REASONS FOR GRANTING PLANNING PERMISSION:

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

1. Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions; and,
2. Securing revised plans during the course of the application which have overcome initial problems.

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is of an appropriate use within the urban boundary, and Members of the Planning and Highways Committee considered that the stringent planning conditions imposed would ensure the proposal would not be detrimental to the residential amenity for occupiers of the neighbouring dwellings or compromise highway safety in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Local Plan Part 2 (Adopted 2015).

Your attention is drawn to the NOTES attached and to the following:

1. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

2. There are fees associated with the discharge of planning conditions. These fees apply to all requests for (1) the discharge of one or more conditions on the same permission, or (2) the written confirmation of compliance with a condition or conditions. Any number of conditions may be included on a single request. Fees are: £34 for householder developments, and £116 for all other developments. There is no fee relating to the discharge of conditions imposed on Listed Building applications. Please send your fee with your request, as requests that are received without the appropriate fee will be returned unanswered. To request a discharge of condition please use the forms on www.planningportal.co.uk or apply to the Council in writing. Please ensure that your letter or form clearly identifies the relevant permission and the condition(s) concerned. Local Planning Authorities have to deal with all requests within 8 weeks. Fees will be refunded if a response is not sent within 12 weeks from the date of receipt.

3. A process has been introduced by The Department for Communities and Local Government for dealing with material and non-material amendments to planning permissions. For more information please contact the case officer or consult the Planning Portal website www.planningportal.co.uk

4. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other Enactment, Byelaw, Order or Regulation. Before commencing development you are advised to check the requirements of the Building Regulations. Section 31 of the County of Lancashire Act 1984 (access for the Fire Brigade) also applies. For information please contact the Building Surveyors, telephone 01254 505022. Additionally, if you wish to carry out building work which involves work along a party boundary the Party Wall Etc Act 1996 comes into force. You must find out whether your works falls within the Act by contacting your Solicitor, and if it does, you must notify all affected neighbours.

5. The Construction (Design & Management) Regulations 2015

The development hereby approved may be subject to the Construction (Design and Management) Regulations 2015 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 0845 345 0055

6. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, the Highway Authority must specify the works to be carried out. Only the Highway Authority or its appointed agent can carry out these works, and therefore, before any access works can start, you must contact the Highway Authority by telephoning 01254 585044 or by writing to the Highways Operation, The Bungalow, Davyfield Road, Blackburn. BB1 2LX quoting the planning application number above.

7. In respect of any external illumination proposed, you should note that when assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:
<https://www.theilp.org.uk/documents/obtrusive-light/>

NB: The proposed development is within an E2: Low district brightness area.

8. The Applicant should be aware that this planning approval does not prejudice any investigation or formal proceedings deemed appropriate by the Council under the Environmental Protection Act 1990 for statutory nuisance.

PLEASE NOTE:

Town and Country Planning (Written Representations) Regulations 1987

In accordance with the provisions of these Regulations, in the event of an appeal, the Local Authority's copy of the completed appeal form should be sent to:

The Director of Growth & Development, Blackburn with Darwen Borough Council, Town Hall, Blackburn. BB1 7DY

A handwritten signature in black ink, appearing to read 'I R', is centered on the page.

Ian Richardson,
Director of Growth & Development
Blackburn with Darwen Borough Council.