

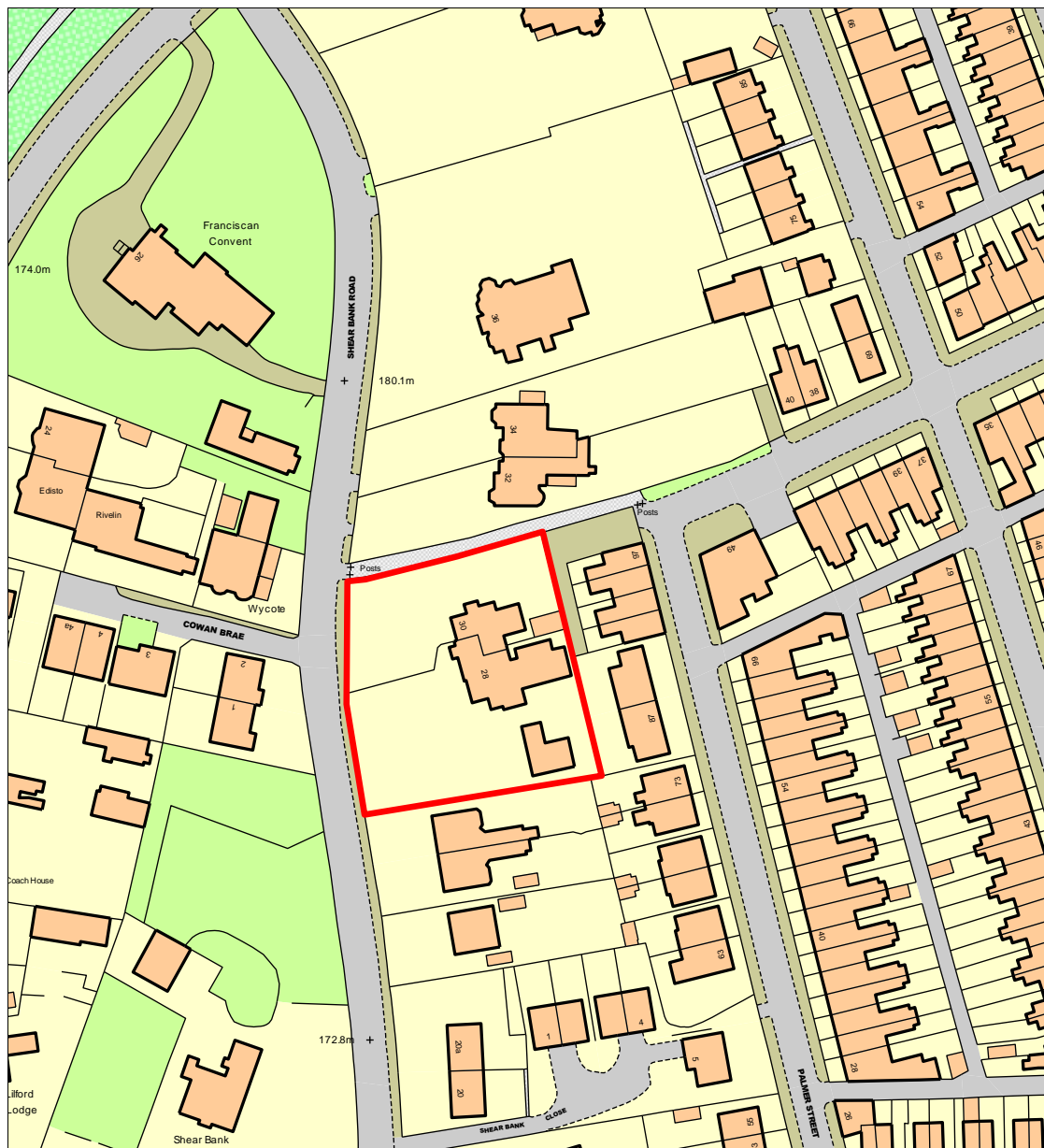
**Proposed development: Full Planning Application for demolition of existing building and erection of a two storey building for use as a Mosque and Madrasah together with car parking, landscaping and altered vehicular access.**

**Site address: 28-30 Shear Bank Road, Blackburn, Blackburn with Darwen, BB1 8AZ**

**Applicant: Eldon Road Mosque Committee**

**Ward: Shear Brow**

<b>Councillor Suleman Khonat</b>	
<b>Councillor Hussain Akhtar</b>	
<b>Councillor Shiraj Vali</b>	



1.0 Details of application

- 1.1 This application is referred to Committee due to the receipt and acceptance of the Member Referral form from Cllr Suleman Khonat, Cllr Hanif Khonat and Cllr Akhtar Hussain. Members should note that the aforementioned Councillors represented the Shear Brow Ward at the time the Referral form was received.
- 1.2 The application relates to a semi detached Victorian villa set within the Corporation Park Conservation Area. The application site is bound by residential properties to the north, south, east and west.
- 1.3 Planning consent is sought for demolition of existing buildings on the site and construction of a Mosque and Madrasah, with associated car parking and landscaping. Members should note that the applicant has submitted revised drawings in response to design concerns raised by the Planning Authority. These include reducing the height of the building by sinking the proposed floor level 2m below that existing, removing mortuary and basement proposals, removing the large dome above the prayer hall and reduction of 2 storey elements, reduction in Madrasah Classrooms from 11 to 9, replacement of artificial stone with use of natural stone to window surrounds, roof parapets, intermediate banding and base course plinths.
- 1.4 Supporting information refers to use of the existing Mosque and Madrasah on Eldon Road. The existing Mosque will relocate to the new premises and currently has 180 members. It is confirmed that numbers in attendance on a regular basis are between 40-70, with up to 150 for the busier Friday prayer. It is expected that Member numbers attending the new mosque will remain as existing, though it is acknowledged that this may increase to 200. Larger congregations of up to 280 worshippers could occur on occasion, this is stated as being no more than 3 or 4 times per year to coincide with the Holy night or visits from Spiritual Leaders, but is unusual and by exception to the norm. Reference is also made to the size of the prayer hall (220sqm) and how this could only accommodate up to 300 worshippers. The applicant has confirmed that pupil numbers attending the Madrasah (180) are not expected to change, though will be split between the upper floor of the existing building and proposed 9 classrooms. The majority of users will be drawn from the local community living within walking distance of the site. The applicant has also confirmed that following construction of the development, the existing building on Eldon Road will be used as a community facility providing a meeting place for women as well as a mortuary used in association with the proposal.

## 2.0 Development Plan

2.1 The Local Plan Part 2 has recently been found to be 'sound' by the Planning Inspector and was adopted by Full Council on 3<sup>rd</sup> December 2015. Policies within this document are therefore material in determination of the application. The former adopted Local Plan policies are also referred to in this report for completeness. The following policies are of relevance:

Core Strategy (adopted January 2011):

CS1 – A Targeted Growth Strategy.

CS11 – Facilities and Services.

CS15 – Protection and Enhancement of Ecological Assets.

CS16 – Form and Design of New Development.

CS17 – Built and Cultural Heritage.

Local Plan Part 2 (adopted 3<sup>rd</sup> December 2015):

Policy 1 – The Urban Boundary.

Policy 7 – Sustainable Development.

Policy 8 – Development and People.

Policy 9 – Development and the Environment.

Policy 10 – Accessibility and Transport.

Policy 11 – Design.

Policy 39 – Heritage.

Former Adopted Local Plan (April 2002):

URB1 – Urban Boundary.

H11 – Community and Other Non Residential Uses.

T9 – New Developments – General Transport Considerations.

HD1 – Visual Appearance of Development.

HD8 – Existing Trees and Landscaping.

HD11 – Development in and Adjacent to Conservation Areas.

HD14 – Demolition of Unlisted Buildings in Conservation Areas.

LNC9 – Species Protection.

ENV4 – Control of Noise Nuisance.

Supplementary Planning Guidance – Community & Other Uses in Residential Areas.

Supplementary Planning Guidance – Conservation Areas.

Residential Design Guide Supplementary Planning Document.

Corporation park Conservation Area Appraisal.

National Planning Policy Framework.

Planning Practice Guidance

## 3.0 Planning history

3.1 The following planning application is of relevance:

10/10/0255 - Change of use from residential (30 Shear Bank Road) to non-residential education and training centre (Madrassah) – approved on 8<sup>th</sup> June 2010.

10/90/0930 – extension of care home (28 Shear Bank Road) – approved on 23<sup>rd</sup> October 1990.

10/90/0158 – extension of care home (28 Shear Bank Road) – refused on 18<sup>th</sup> April 1990.

10/84/1591 – nursing home (28 Shear Bank Road) – refused on 7<sup>th</sup> February 1985, upheld on appeal.

10/82/0594 – alteration and extension to form residential hotel – approved in June 1982.

#### 4.0 Consultations

##### 4.1 Environmental Sustainability Manager

- Service access to the site is required for bin storage.
- Size of bin store should relate to scale of development proposed.

##### 4.2 Capita Ecology

- The Protected Species Survey is sufficient for planning purposes, but confirms requirement for a European Protected Species License (Natural England) prior to commencement of works.
- Given the need for the license mitigation proposal within the report should be adhered to. Granting of the License may require additional mitigation.
- As the buildings were assessed to be unsuitable for hibernating bats. Demolition should occur between November – February, this would also be a requirement of the licensing body (Natural England)

##### 4.3 Lancashire Constabulary

- No objections and recommends certain measures to protect the building from criminal activity relating to door/ window openings, glazing, floodlighting, CCTV and alarm system.

##### 4.4 Design & Conservation Officer

- Objection is raised to the proposal.
- Whilst there has been some reduction in the massing by removing the basement and part of side element it is still considered to be oversized for the size of the plot. This combined with the large areas of hard standing to the front would impact on significance and cause harm to the character of the Conservation Area which is characterised by buildings set in large landscaped plots. I have noted the detail section of the window, but still feel there is insufficient relief and detail on the elevations and would thereby fail to preserve or enhance the special character of the Conservation Area.

- The existing building is a Victorian redbrick semi-detached property which has been identified as a building making a positive contribution to the character of the Conservation Area. The building is set in a substantial garden plot with mature trees at the periphery.
- The demolition of a positive building in the conservation area would normally be resisted, unless it can be demonstrated that the building is in a poor condition and it would be unviable to refurbish. A detailed building survey has been submitted in support of the application which identifies a number of structural issues, inappropriate past interventions and areas of water ingress which cumulatively have contributed to a significant worsening of the condition of the building and its viability for re-use. The loss of the building could thereby be considered subject to its replacement with a development that enhances the conservation area in accordance with saved Policy HD11.
- The proposed development has a significantly larger footprint and massing than the existing building and also proposes to excavate the site area and introduce a basement level. The resultant building measures 56 metres along the frontage occupying the full width of the plot, would rise in excess of 12metres in height and would have a depth in excess of 30 metres. The overall massing of the building would appear excessive, and overly dominant for the plot which would result in a cramped form of development. It would detract from the spacious landscape character of the conservation area where buildings are set in landscaped sizeable plots and which would be further exacerbated by the large expanse of hard standing required for car parking to the front forecourt. Furthermore it would increase the sense of enclosure to the adjacent footpath on the north side, and the adjacent property on the south side. The development would thereby fail to preserve or enhance the Corporation Park Conservation Area and would by virtue of its scale and massing cause harm to significance.
- Policy 137 of the NPPF requires that local authorities look for opportunities within conservation areas to enhance or better reveal their significance and the scheme as proposed would fail to do this.
- The architectural style of the building takes stylistic references from Islamic architecture and acknowledges the prevailing material of the area notably of red brick and stone. The development however proposes large expanses of flat roof which are alien features in the area and which would appear out of character with the established character. The main elevations of the building are punctured by tall windows spanning two floors, there is however very little detail as to the depth of reveal, or indeed the cast stone profiling to the window surrounds which would appear flat and weak features without appropriate depth and profile. It would be preferable to have a natural stone detail to the architectural features, as this would give more depth and texture than the proposed cast stone. I would thereby advise that a detailed section of the windows are submitted which shows an appropriate level of detail for development within a conservation area. I also have concerns as to the large expanse of

brick proposed to the basement area, which has no openings or architectural relief and would have an overbearing and negative effect on the street scene.

- There are also concerns as to the likely impact on trees and their RPAs which will further erode the landscape character of the conservation area and cause harm to significance.
- The scheme overall have a harmful effect on the character of the Conservation Area, would thereby conflict with National Policies in the NPPF in particular policy 134 and 137, and saved policies HD11 and HD14 of the Local Plan.
- The introduction of stone surrounds is a small improvement to the design of the building but does not compensate for the harm to the conservation area resulting from the scale, massing, architectural composition, and landscape impacts arising from the development.

#### 4.5 Historic England

- Recommend that the application be withdrawn or refused.
- This application for a construction of mosque and madrasah would involve the demolition of an existing villa within the Corporation Park Conservation Area. While a case might be made for the demolition of the existing building this would have to be for a new building of very high quality, sympathetic to the character and appearance of the conservation area. However the proposed scale and massing of the new building, the impact of hardstanding, parking and landscaping proposals and the poor quality of the architectural design would all harm the character and appearance of the conservation area.

#### 4.5 Tree Officer

- Objects to the development.
- The TPO has been contravened and the whole of the trees to the front require careful assessment as they have been damaged.
- The arboricultural impact assessment has been undertaken on the previous design and after the unauthorised installation of hard standing. Therefore, it is of no use to this application and still needs to be redone.
- The proposed car parking will result in the loss of trees to the front of the site and needs revising to ensure all car parking is outside of the RPA.
- If the proposals are implemented as submitted, all mature trees on site will die prematurely, which is contrary to Council Policy HD08.

#### 4.6 Capita Highways

- Recommends refusal of the application due to insufficient parking and resultant impact on the network.
- Revisions made to access sight lines are now acceptable. Further information is required relating to gated access and safe pedestrian

routes from Shear Bank Road to the pedestrian entrance of the building.

- Servicing demands of the use would be low.
- Substandard car parking requirements: 103 spaces are required by adopted standards. (Ground floor area totalling 802sqm/10 = 80 car parking spaces, 1<sup>st</sup> floor total of 11 classrooms = 1space per classrooms + 1 space per 10 children (20 children in each class amounts to 220) = 23 spaces for the madressa element). The proposal provides for 28 spaces only.
- There is some on-street parking available but not enough to sustain and support the development. It is acknowledged that the catchment of the site is considerable, with a majority within walking distance, no inherent justification is provided on how the alternative traffic modes would be supported.

#### 4.7 Public Protection

- Recommends refusal of the proposal.
- The locality is a relatively quiet leafy avenue that clearly enjoys relatively low background noise levels, particularly during the night time period.
- The introduction of a large Mosque use in this environment, fronting onto Shear Bank Road will inevitably lead to a loss of amenity in this area.
- The large capacity, quoted as 250 with additional madrassa classrooms and relatively low number of parking spaces means that there will be an impact upon surrounding uses, most significantly during the early morning and evening prayers, with the greatest impact in the summer months.
- It is also worth noting that this impact is likely to be greatest in the month of Ramadan when it falls in the summer and morning prayer attendance is higher. A significant increase in traffic / activity to the area at 4:30 / 5:00 am, for example, will impact upon residential uses in the vicinity. This impact is difficult to quantify and apply a technical standard, it is simply the reasonable conclusion that this is likely to represent overdevelopment relative to the size of the site and the character of the area.
- The acoustic report does note that a 9.3 dB LAeq,T increase is likely, affecting properties to the front and left hand side of the proposed Mosque as a result of people arriving and leaving, adding significant weight to the argument that this is likely to lead to a loss of amenity.
- In addition, this is without considering the LAMax sound levels affecting surrounding uses as these have not been submitted in the acoustic report. This information has been requested but not provided by the applicant.

#### 4.8 Public Consultation

- Residents adjacent to the site have been notified by letter, site and press notices have also been undertaken. Several objections and 2

letters of support have been received. Please refer to paragraph 7.0 for a summary of representations received.

## 5.0 Issues/Comments

5.1 The main issues pertinent to assessment of the proposal relate to:

- Principle of development.
- Design - bearing in mind the sites location within Corporation Park Conservation Area.
- Highways.
- Amenity of adjacent residents.
- Trees.
- Ecology.

## 5.2 Principle of Development

The site is located within the urban boundary of Blackburn to within which Policies URB1 of the former Local Plan, Policy 1 of the newly adopted Local Plan and CS1 of the Core Strategy encourage new development. Policy H11 of the former Local Plan is of relevance and supports community use development, such as a Mosque/ Madrasah, provided there is no unacceptable impact on residential amenity and character of the area.

5.3 Policy CS11 of the Core Strategy also supports the expansion of quality public services available in the Borough, within accessible locations, so as to create community hubs. Importantly the range and quality of public services and facilities is central to the Councils vision of an improved 'offer' which attracts people to move to or remain in Blackburn and Darwen.

5.4 NPPF (8. Promoting Healthy Communities) states that planning decisions should plan positively for the provision of community facilities to facilitate social interaction and creating healthy, inclusive communities.

5.5 Planning consent is sought for a Mosque and Madrasah which will serve the local community in the immediate locality as a place of worship and education. The proposal would therefore make a valuable contribution to the Councils objectives for quality public services as advocated within the Core Strategy and NPPF. On this basis it is considered that the principle of this proposal on the site is acceptable, subject to other relevant policies of the Development Plan.

## 5.6 Design and Impact on the Conservation Area

The site is designated within the Corporation Park Conservation Area. Policies HD11 and HD14 of the former Local Plan are of relevance and support development within such areas provided design is of a high standard and respects the character and appearance of the area, and does not introduce changes which would detract from this. This policy stance is reflected within Policies CS16 and CS17 of the Core



Strategy. Policy 11 of the newly adopted Local Plan Part 2 reflects a similar position relating to design demonstrating an understanding of and making a positive contribution to the local area, though measures including enhancing and reinforcing established character.

- 5.7 The NPPF attaches great importance to the design of the built environment, seeing design as a key aspect of sustainable development and should contribute positively to making places better for people. Development should be high quality and inclusive. The NPPF requires planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation any harm or loss should require clear and convincing justification. Paragraph 134 states that 'where a development proposal would lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use'. Policy 39 of the newly adopted Local Plan Part 2 advocates a similar approach to heritage proposals seeking to sustain or enhance the significance of the asset through assessment of proposals against a number of criteria.
- 5.8 With regards to demolition of the existing building, Policy HD14 of the former Local Plan states there is a presumption in favour of the preservation of buildings which make a positive contribution to the character and/ or appearance of the conservation area. Policy 39 of the newly adopted Local Plan Part 2 states that demolition of positive buildings within conservation areas will only be permitted in very special circumstances, including public benefit outweighing the harm lost.
- 5.9 Corporation Park Conservation Area is a predominantly Victorian residential area consisting of large villa development and smaller artisan housing, arranged around Corporation Park, a grade II\* registered park and garden. It is an attractively spacious and leafy suburb, designed as a high quality residential environment for the burgeoning middle class, out of sight of nearby industrial areas. Within the more spacious streets the character of these suburbs consists of large houses, typically designed in the gothic or Italianate styles fashionable at the time, set back within generous landscaped grounds. The principle aesthetics is picturesque, with stone walls defining gently curving streets; vistas framed by mature trees; and buildings deferring to the natural qualities of landscape. The aim was to create an idealised, essentially rural or "Arcadian" character.
- 5.10 This picturesque character and appearance can be found on Shear Bank Road and is the reason it has been included within the conservation area. The Council have recently adopted a conservation area appraisal for Corporation Park, which confirms this character, and

a management plan, for its preservation and enhancement. The essence of conservation area designation is concerned with a range of qualities across a wider area. These include the spatial arrangement of development, the group interest and townscape character of buildings, the contribution of trees and landscaping and the predominant uses and activities which are commonly found there. Managing change within conservation areas is very challenging. Nevertheless, it is recognised that conservation areas should be allowed to evolve to serve their local communities.

- 5.11 The proposal is for the demolition of both houses which form a semi-detached villa within the conservation area and amended proposals for the construction of a building for use as a mosque and madrasah, with car parking and landscaping to the front. The local community currently use a Mosque building on the corner of Eldon Street and Palmer Street located to the rear of the application site. The existing semi-detached building is identified as being a “positive building of high quality” and of “medium significance” within the conservation area appraisal, along with most other unlisted houses in the area. The form and scale of the building, the spatial qualities of its siting/ layout and character of its grounds all make a positive contribution to the character, appearance and significance of the conservation area. Although much altered and extended, the essential architectural form and character of the original semi-detached villa, with its prominent gables, bay windows, porches and sash windows, remain clearly visible and intact.
- 5.12 Members should note that the applicant has submitted revised drawings in response to design concerns raised by the Conservation Officer and Heritage England. These include reducing the height of the building by sinking the proposed floor level 2m below that existing, removing mortuary and basement proposals, removing the large dome above the prayer hall and reduction of 2 storey elements, replacement of artificial stone with use of natural stone to window surrounds, roof parapets, intermediate banding and base course plinths.
- 5.13 The proposed mosque and madrasah would be constructed on a NW/SE axis. This alignment differs from the typical alignment of buildings in the area which front on to the street. While the height of the building may be lower than some of the larger villas within the conservation area, the overall bulk and mass of the building, when combined with its footprint, would be much larger, filling the full width of the plot and extending deeply toward the boundary with properties to the rear. This would result in a highly dominant appearance. The uniformity of the design and materials would add to this effect. The proposed massing and plan-form would conflict with the historic layout and greatly exceed the typical density of buildings in the conservation area. It would cause harm to the sense of spaciousness and landscape qualities which are essential aspects of its significance.

- 5.14 Parking is proposed across the front garden area. The site previously consisted of a landscaped garden with curving driveways, characteristic of the local area. The garden has already been cleared of planting and driveway, creating a rather barren, featureless forecourt that would be surfaced for car parking. The proposed vehicular hardstanding would be prominent and intrusive, especially when viewed through the enlarged access. The lack of planting against the proposed building would result in a particularly hard, urban appearance at odds with the landscape character of the conservation area.
- 5.15 In terms of architectural design, the proposed building is very conventional in appearance and lacks the variety of form and detail. The mosque and madrasah would be constructed as single architectural entity, with a uniformity of details and materials. The palette of materials is limited to red brick and natural stone with a GRP dome.
- 5.16 The demolition of a positive building in the conservation area would normally be resisted, unless it can be demonstrated that the building is in a poor condition and it would be unviable to refurbish. A detailed building survey has been submitted in support of the application which identifies a number of structural issues, inappropriate past interventions and areas of water ingress which cumulatively have contributed to a significant worsening of the condition of the building and its viability for re-use. On this basis and in consideration of the public benefit of the scheme, a case for demolition of the existing building on the site can be made, though in this circumstance demolition is not supported based upon the visual quality of the development proposal.
- 5.17 The applicant has submitted amendment in order to respond to these design matters, improvements have been made which reduce the mass of the building and provide for a higher specification construction through provision of quality materials, such as natural stone. It should also be recognised that the Islamic Architectural style of the building reflects the use proposed and that it is considered unreasonable for the Planning Authority to impose a different approach. This is not to say that the impact of the proposal on the Conservation Area should be ignored in the assessment; design must still ensure that character and visual appearance is not compromised and it is acknowledged that this can be achieved through a differing architectural style.
- 5.18 Concern to the visual appearance of the proposal and resultant impact on the Conservation Area must be made. The amendments proposed and public benefit of the scheme are not sufficient to overcome the design concerns raised.
- 5.19 Highways  
Policy T9 of the former Local Plan supports new development provided road safety and the efficient and convenient movement of all highway users is not prejudiced. Policy T10 of the former Local Plan states that

the Council will refuse Major new development which generates excessive or inappropriate traffic on local roads. Policy T9 also requires appropriate provision of access, servicing and parking. CS22 seeks to minimise dependency on the car. Policy 10 of the newly adopted Local Plan Part 2 reflects the above policy position requiring new development to provide appropriate access and parking, maintaining road safety, efficiency and convenience of highway users and network impact assessment. The adopted parking standard for a Mosque is 1 space per 10 square metres and a Madrasah requires 1 space per teaching area, this number can be reduced in accessible locations.

- 5.20 The surrounding street network is of standard design, being two way with on street parking. The streets surrounding the site serve a predominantly residential area, the majority of which have a drive way access to Shear Bank Road.
- 5.21 Resident objection has been received to the development. Concerns raised relate to increased traffic and incapability of roads to accommodate the volume of traffic, access for emergency vehicles and maintenance of the road.
- 5.22 Vehicular access to the proposed development will be via that existing off Shear Bank Road. Alterations to the access and boundary are proposed to improve visibility of oncoming vehicles and pedestrians, such alterations include gates posts being set into the site and retention of the low level boundary wall. A pedestrian access into the site is proposed from the footpath located to the north, encouraging entry from Eldon Road/ Palmer Road to the rear. 27 parking spaces (including 3 disabled bays) are provided within a car park which wraps around the front of the building proposed. The applicant has also submitted a Transport Statement (TS) and Travel Plan in support of their application.
- 5.23 Supporting information states that worshippers and students attending the existing Mosque/Madrasah on Eldon Road will move to the new premises. This mosque currently has 180 members, though it is understood that numbers in attendance on a regular basis are between 40-70, with up to 150 for the busier Friday prayer. It is expected that Member numbers in the new mosque will remain as existing, though it is acknowledged that numbers may increase to 200; 280 on occasion but for no more than 3 or 4 occasions per year to coincide with the Holy night or visits from Spiritual Leaders. Reference is also made to the size of the prayer hall (220sqm) and how this could only accommodate up to 300 worshippers.
- 5.24 The revised TS confirms that 180 students attend the Madrasah within the existing Mosque and that on the application site at present, the applicant has also confirmed that pupil numbers are unlikely to increase and will be split between the upper floor of the existing building and proposed 9 classrooms. The upper floor of the existing

Mosque will be retained as a special needs Madrasah with 25 students in attendance, 155 students will therefore be accommodated within the new facility. The majority of users of the existing facility are drawn from the local community living within walking distance of the site and this is unlikely to alter as a result of the proposal. Once the proposal is occupied the Eldon Road building will be made available for Community Use, including infrequent worship for women (note that the main prayer use of 5 times per day is to be relocated) and continued use as a Madrasah (25 special needs students), a mortuary will be provided since this has been removed from the development.

- 5.25 The revised TS states that the existing Mosque has been on Eldon Street for a number of years and is unchanged in terms of size and use. It operates at full capacity on Friday afternoons and Eid. Those in attendance use the main car park to the front/ side of the building and the street when necessary and many arrive on foot as the Mosque is within the community it serves. A Madrasah use exists both within the Eldon Road Mosque and on the application site (combined floor area of 335sqm with approximately 180 students in attendance). The TS also refers to prayers being the main week day activity and are outside of the traffic peak periods, occurring once residents have largely left for work/ school.
- 5.26 The TS references the fact that the existing Mosque has limited on-site parking and makes use of on street provision as required. Additional information provided by the applicant confirms that the existing Mosque has 8 off street space and has operated without complaint from neighbours; most worshippers walk to the site. The parking at the Eldon Road site could be used by the proposal given the close proximity between sites. Furthermore, the locality is largely residential with residents at work during the day freeing up parking provision, resident will also form part of the congregation for the proposed use. The TS considers that the relocated Mosque provides for additional parking when compared to the existing scenario and this will reduce the need for on street parking. The TS considers that the catchment of the proposal would not change and thus any parking changes would be minimal due to the footpath connection between sites. The site is also considered to be accessible by bicycle and is close to the bus network. Members should note that the TS states that impact created by the proposal would be minimal and that there would be a net benefit of the scheme on the local network through a reduction in demand for on street parking. Use of the Travel Plan will also assist in minimising car dependency by introducing alternative transport initiatives.
- 5.27 The Highway officer comments that adopted parking standards require the proposal to provide 103 spaces. The floor area of the Mosque is approximately 800 sqm, equating to 80 spaces at 1 space per 10sqm. The Madrasah requires 23 spaces, equating to 1 space for each of the 11 classrooms and an additional space for every 10 children for drop off/ pick up. The development provides for 27 spaces which is

considered to be an under provision that would encourage displacement of parking to the street. It should also be noted that both the Prayer Hall and classrooms could be in use at the same time. The Highway officer comments that there is some on street parking available but not enough to sustain and support the development, refusal is recommended due to insufficient car parking and resultant impact on the street.

- 5.28 The supporting information states that the proposal provides for the relocation of an existing Mosque, and it is not expected that member or pupil numbers will increase on a regular basis. It could be considered therefore that activity and travel patterns associated to the Eldon Road Mosque would transfer to the new site and there would not be significant additional pressure on the network as a result. Parking provision at the existing Mosque site could also be used by the proposal and any displacement to the street would be dispersed between both sites. This however is dependent upon future use of the existing building which, based on information provided by the applicant, is unlikely to conflict with the proposal. Bearing in mind the proposal provides for more parking than the existing Mosque, it could be considered that the development is beneficial to the locality by reducing pressures on the street in the locality through the creation of additional off street parking. Vehicular access to the development would not solely be via Shear Bank Road and a split would be encouraged between the existing Eldon Road Mosque and the application site. Both are within close proximity of each other with good pedestrian linkages including provision of a pedestrian access from this locality within the proposal. This alternative access will reduce the amount of vehicles associated with the development using Shear Bank Road, diluting impact on the network within the locality. Indeed the Highway Officer raises no concern to the additional vehicles using the network.
- 5.29 Consideration to the existing Mosque use must be referred to in the highway assessment, as per the submitted TS, and it is considered that the proposal could improve the access and parking arrangements when compared to the current situation. This approach however is dependent on numbers attending the existing Mosque/ Madrasah being maintained within the proposal.
- 5.30 The applicant confirms that existing membership of the Mosque is 180, but also states that the Prayer Hall could cater for up to 300 worshippers at full capacity. It is therefore considered that the proposal could easily accommodate growth of the Worshipper Membership, equivalent to a 40% increase in number. The improved facilities could act as a catalyst to increase popularity of the Mosque/ Madrasah and is seen as a vehicle for future expansion. Furthermore, the ground floor layout of the Mosque could easily be altered to expand the Prayer Hall (approximately 210 sqm) to 350sqm through inclusion of a Foyer Area (140sqm). This would increase the existing prayer hall floor area by

66%. It is advised that conditions can be imposed to restrict area of the building for prayer.

- 5.31 Members should note that it is difficult to control the number of people using the facility. For example, a condition requiring no more than 180 Worshippers using the Mosque and 180 pupils attending the Madrasah is not realistically enforceable, due to the logistical and practical measures required to monitor numbers ie. Knowing exactly how many people were using which facility at any given time. Furthermore, the proposed layout encourages increased Membership and the applicant confirms that existing numbers could be exceeded for certain occasions. Planning Practice Guidance dictates that unenforceable conditions should not be used. It is recommended that such restrictions cannot be imposed by condition, on this basis concern must be raised to the lack of car parking within the proposal and the associated highway safety problems created by displacement of parking to the street. The community benefit of the proposal is not considered to outweigh this assessment.
- 5.32 The development is within the intended community it will serve, acting to encourage alternative modes of transport. Increased highway activity around the site will be focused on drop off and pick up times associated with the Madrasah (16:00 – 19:00) and the busier Friday Prayer at the Mosque. The Highway Officer considers that the network can accommodate the additional traffic created by the proposal, which will be eased by the two points of access into the site and proximity to catchment encouraging alternative modes of transport. Measures put forward by the applicant in their Green Travel Plan, Drop Off/ Pick Up Strategy and Walk to School Scheme will help encourage alternative forms of transport and reduce trips to the site.
- 5.33 Servicing requirements for the proposal are minimal and have been reduced through removal of the Mortuary. Refuse collection is expected to be from the street as per existing scenario for adjacent properties. The access alterations would facilitate safe access to and from the site and are supported. The parking layout accords with the Councils space standards and is acceptable for both layout and manoeuvrability.
- 5.34 Residential Amenity  
Policy H11 of the former Local Plan and Policy 8 of the newly adopted Local Plan Part 2 support the principle of community use development within residential areas provided there is no unacceptable impact on residential amenity. Concern has been raised by objectors with regards to the noise disturbance created by potential external call to prayer as well as the general noise/ disturbance created by those accessing the development.
- 5.35 Due to the nature of the development, the proposal has the potential to impinge on adjacent residents through the physical presence of the building on site with regards to dominance, light loss, over shadowing

and over looking of dwellings. Furthermore, the amount of visitors to the site will increase the general noise and disturbance in the locality.

- 5.36 With regards to the physical presence of the building, potential amenity impact is restricted to those properties adjoining the application site. Members should note that unlike new residential development, there are no adopted separation standards applicable to new community buildings. Notwithstanding this, given that potential impact would be to neighbouring dwellings, it is considered that separation distances as adopted in the Residential Design Guide are used in the assessment. This requires 21m between habitable room windows and 13.5m between habitable rooms to blank gables or walls with non habitable room windows. An additional 3m will be required for every storey difference in height created by topography or design.
- 5.37 There are dwellings sited to the north, south, east and west. The applicant has submitted site section drawings to illustrate the relationship of the new building to neighbours, in comparison to that of the existing building on site. Amendment has also been submitted which sets the ground floor level of the building approximately 2m below that existing. An acoustic assessment has been undertaken to verify likely noise nuisance from the development.
- 5.38 Neighbouring dwellings sited to the east are 87 – 97 Palmer Road, 87-89 is a semi-detached bungalow true bungalow, 91-97 is a terrace row with 2 storey rear outriggers. At its closest point, the two storey element (9.7m to eaves) of the proposed building has a separation of 11.2m to the rear elevation of the bungalows and the single storey element (5.5m to eaves) has a separation 9.2m. The 2 storey proposal requires a minimum 19.5m separation to habitable room windows, bearing in mind the flat roof nature of the proposal and land level change. It is considered that separation to the bungalows is substandard and the proposal would be a dominant form on the dwellings and private external areas, encouraging light loss and overshadowing. There would be no direct overlooking which in any event could be controlled by obscure glazing. It is recognised that siting of the building angles the affecting elevation away from this neighbour, though is not considered sufficient mitigation to outweigh the amenity concern.
- 5.39 The proposal is approximately 13.8m (9.3m to the outrigger) from 91-97 Palmer Road, being 2 storeys in height (8m), equivalent to a 3 storey flat roof dwelling. Required separation is approximately 16.5m and is below the necessary standard, encouraging dominance, light loss and overshadowing.
- 5.40 The applicant contends that the amenity impact on these neighbours is no greater than that of the existing building and is further mitigated by the building being built to a lower finished land level. Notwithstanding this, the two storey mass of the building proposed is considered to be



closer than that of the existing structure. Furthermore, the existing single storey side/ rear additions located to the rear of the bungalows are to be replaced by a predominantly 2 storey structure, 9.7m in height. Mass and scale of the proposal is greater and in closer proximity to that of the existing building.

- 5.41 26 Shear Bank Road is a semi detached dwelling located to the south of the application site and is set to a lower land level. The proposal adjacent to this neighbour is part single storey (5.5m to eaves) and part 2 storey, siting is such that the building is angled away from the party boundary. Submitted drawings indicate that the proposed scale of development adjacent to this neighbour would be similar to that existing. Siting of the proposal also improves relationship to this neighbour.
- 5.42 1-2 Cowan Brae and 'Wycote' are located to the west of the application site having a front facing aspect toward the front elevation of the proposal. These neighbours have a separation to the proposed building of approximately 30m+, which is sufficient to ensure an acceptable relationship.
- 5.43 32 Shear Bank Road is located to the north of the application, the dwelling is set deep into the site with the side gable opposing a rear yard area within the proposal. The proposed building is two storey in this locality, (8m to eaves) and siting is angled away from the northern boundary. The main gable of this neighbouring dwelling has no windows, submitted drawings indicate that the scale of the proposal is similar to that of the existing building on site. Separation between buildings at the closest point is reduced to approximately 15m, increasing to 30m+, sufficient to minimise amenity impact to this neighbour.
- 5.44 Due to the first floor teaching use of the proposal, it is considered that any overlooking of neighbours from the development would not be prolonged. Opportunity of overlooking from neighbouring dwellings to the proposal could occur, this can be controlled by condition requiring obscure glazing if necessary.
- 5.45 The development will increase general noise and disturbance in the locality, and has the potential to impinge on neighbouring amenity. This may be in the form of additional people visiting the site and associated noise (external call to prayer, talking, shouting, car engines and radios etc...). There will also be circumstances where the building is used more intensely and for extended periods of the day (early morning/ late at night), such as Friday Prayer and during Ramadan for example, heightening this disturbance for neighbours. The Public Protection officer has raised concern to such impacts, referring to a greater impact during the summer month of Ramadan when morning/ evening prayer attendance is higher. A significant increase in traffic / activity to the area at 4:30 / 5:00 am, for example, will impact upon residential uses in

the vicinity at a time when residential windows could be open. Furthermore, the acoustic report does note that a 9.3 dB LAeq,T increase is likely, affecting properties to the front and left hand side of the proposed Mosque as a result of people arriving and leaving, adding significant weight to the argument that this is likely to lead to a loss of amenity. It is also noted that additional information to support the acoustic assessment was requested, but not provided by the applicant.

- 5.46 The above amenity concerns must be balanced against the community aspect of the proposal and the need to have improved facilities within this locality. As with the highway assessment, the applicant confirms that the proposal will accommodate worshippers/ pupils from the existing Mosque. It could be considered that any associated noise/ disturbance from the use would be transferred to the new site. Again noise/ disturbance would not be focussed just on the application site, with access and parking being split between the two sites acting to dilute impact. Furthermore, disturbance from the use proposed is more sporadic in nature and not a constant source of noise/ disturbance, being associated mainly with the busier Friday prayer and drop off/ pick up of the Madrasah.
- 5.47 Whilst the community benefit of the proposal is recognised, it is considered that the proposal would have an unacceptable relationship with its neighbours, detrimentally impinging on the amenity of local residents.
- 5.48 Trees  
All existing trees on the site are protected by Tree Preservation Orders (TPO's). The site is also within the Corporation Park Conservation Area to which the majority of trees on site provide high amenity value and are viewed as contributing toward the character of the area.
- 5.49 Policy HD8 of the former Local Plan and Policy 8 of the newly adopted Local Plan Part 2 are of relevance and state that development which would result in the loss of TPO trees will only be supported in the interests of good arboricultural practice, or, desirability of the development outweighing the amenity and/ or nature conservation of the trees.
- 5.50 The submitted Arboricultural Method Statement (AMS) confirms that one group of trees located to the eastern boundary of the site would require removal. This is on the basis that they are within the developable area and protection during construction would not therefore be possible. All other trees would be unaffected by the development and should be protected during the construction phase by fencing. The front parking area will be close to trees and it is recommended that this be constructed using a no-dig method, building up on existing levels and employing techniques sympathetic to tree roots. The finished car park surface must be porous to allow exchange of air, water and minerals.

- 5.51 The submitted AMS is based upon a different development of the site and does not therefore reflect the proposal. Insufficient information has therefore been submitted. The Arboricultural Officer has raised objection to the scheme stating that existing works within root protection area (RPA) of trees has been undertaken without the relevant consents. The proposed car park is within the RPA of trees on the site frontage and this element of the scheme will result in the death of trees prematurely. This loss of trees will also impinge on the natural setting and landscape quality of the conservation area. Amendment is suggested relocating the car park outside of RPA's but the applicant has chosen to retain the parking layout as originally submitted.
- 5.52 It is clear that there are community benefits for the proposal. The new facility will provide for the replacement and enhanced provision of a Mosque in a location at the heart of the community it serves. This, by way of exception, could outweigh the concerns raised relating to loss of protected trees, subject to replacement planting.
- 5.53 Ecology  
Policy LNC9 of the former Local Plan new development which would have no detrimental impact on protected species or habitat. Policy 9 of the newly adopted Local Plan Part 2 provides a similar protection and development will not be permitted unless harm is outweighed by other planning considerations and appropriate mitigation is secured. This stance supports Policies CS15 and CS16 of the Core Strategy.
- 5.54 NPPF encourages Planning Authorities to refuse planning permission that would have significant harm to protected species, unless adequate mitigation is proposed.
- 5.55 A Bat Survey accompanied the planning application, and additional information has been submitted in response to initial comments from Capita Ecologists. The survey work has confirmed a roost within one of the buildings proposed for demolition, this requires. This does not prohibit development, but a European Protected Species Derogation license is required from Natural England prior to any works at the site; the license will agree necessary mitigation for the lost roost. This can be controlled by condition. Impact to protected species is therefore considered to be minimal subject to agreement and implementation of mitigation. Indeed Capita Ecologists have no objection to the proposal, subject to condition.
- 5.56 Summary  
In summary, the development would constitute a valuable community asset, representing a significant investment to and improvement of existing facilities for residents in the locality. Notwithstanding this, whilst the public benefits of the scheme are recognised, this is not considered to be sufficient justification to outweigh the above concerns

relating to visual impact to Corporation Park Conservation Area, highway safety, neighbouring amenity and protected trees.

## 6.0 Recommendation

### 6.1 Refuse, for the following reasons:

1. The development, by virtue of the proposed Mosque use and building proximity to neighbouring dwellings, would detrimentally impinge on the residential amenity of neighbouring properties through increased dominance, light loss, overshadowing and noise disturbance, contrary to Policy 8 of the adopted Local Plan Part 2.
2. The proposal, by virtue of insufficient off street car parking, would displace cars to the street, impinging on highway safety and the safe, efficient and convenient movement of all highway users, contrary to Policy 10 of the adopted Local Plan Part 2.
3. The proposal would have a detrimental impact on the character and appearance of the Corporation Park Conservation Area, contrary to CS16 and CS17 of the Core Strategy, Policies 9, 11 and 39 of the adopted Local Plan Part 2 and National Planning Policy Framework.
4. The proposal by virtue of development within the root protection area of protected trees, would impinge on the longevity of and result in the premature death of protected trees on the site, contrary to Policies 9 and 39 of the adopted Local Plan Part 2.

## 7.0 Summary of representations

### SUPPORT

Mike Johnson

66 Palmer Road

I would like to give my support to the above application. I currently live on Palmer road next to Eldon Road mosque and have had no issues with the current mosque.

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Thankyou, I am very happy with this plan it is put together very well, even though I am a neighbour to the proposed plan I believe it will enhance the area . looking in more detail the new proposed building will be lower than the current building which is an advantage. It is an excellent plan.

Hanif Khonat

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Objection Bernard Moore

DEVELOPMENT	
RECEIVED	
- 2 FEB 2015	
BOOKED TO	COPIES
CHEQUE	

4A Cowan Brae  
Shear Bank Rd  
BLACKBURN  
BB1 8AZ  
30/1/15

Dear Sir,

Planning Application 10/14/1277

I write to register my objections to the proposed developments at 28-30 Shear Bank Road

Were the works allowed, there would be a procession of heavy vehicles up + down Shear Bank Road, causing damage to the carriageway, and great inconvenience to those living nearby. The probability of noise and dirt pollution is all too real.

Furthermore is this in a conservation area? The locality is

is residential in character and  
I think should remain so. If the  
works were permitted, completion  
would bring an influse of traffic  
to an area noted for its peace  
and quiet. This should not be  
allowed

---

Objection 2 Bernard Moore

RECEIVED  
24 AUG 2015

L/A Cowan Brae  
Shear Bank Road  
Blackburn BB1 8AZ  
20/8/15

Dear Sir:

Ref:- 10/14/1277

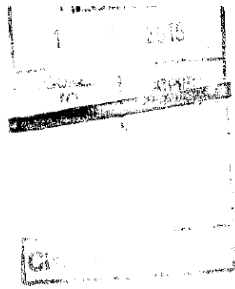
I write to reiterate my objection to this development with particular emphasis on the problems which would arise from the inevitable increase in vehicular traffic.

This a quiet residential area and, in my view, should be allowed to remain so.

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## Objection Mr & Mrs C Hill



14/1277.

Mr. and Mrs. C. Hill.  
89 Palmer Road  
Blackburn  
BB1 8BS

Saturday 7<sup>th</sup> February 2015

Re- Planning Application Adjoining Our Property  
At 28 -30 Shear Bank Road .

Dear Sir,

I am writing to express our concerns about the closeness of this proposed building to our back garden. Due to the height it will block a lot of the light, the noise that will come from the second floors Madrassa classrooms will be a nuisance. As we have found in the summer nights when they have the windows open at the Mosque across the road, which is a lot further away in comparison to the one they are proposing to build. We would lose the privacy as the classrooms look over the garden. Opaque glass could solve this, all that would separate us will be a wooden lattice fence. A natural high stone wall would ease the problem and would blend in with the walls already around here. The building of the Mosque would help solve the parking problems for the people of Palmer Road.

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## Objection C Ward

C Ward, 87 Palmer Road, Blackburn 11 February 2015

Planning Application 28 to 30 Shear Bank Road ref 10/14/1277

The property adjoins my property and having viewed the plan it is clear to me that the proposed extremely large tall structure is much near to the boundary of my property than previously. The proposal will result in an increased problem of noise and will cause my property to be seriously overlooked by many casual visitors to the property resulting in a loss of security and privacy for me. The area is a residential area but this proposal is a large public building resulting in a considerable change which will require screening on the proposer's side with opaque windows at its rear and a high natural stone wall compatible with the area as it is much nearer my house it will appear very much bigger than the present building and the sloping site means it will appear much higher as it is much closer. I believe that screening in this way is the very least that could be done, since the removal of conserved trees, there is an increased need for this screening. There will be continuing problems with traffic generated by this building not only in Shear Bank Road but also in Palmer Road especially during

funerals and other special services and also at night when it will be in use more frequently which increases the need for screening for me.

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#### Objection J M T Clunas

J M T Clunas  
3 Shear Bank Gardens  
Blackburn  
BB1 8AY

I have only recently become aware, by word by word of mouth, of the proposal for a mosque in Shear Bank Road. For something as important as this I do not believe that it was adequate for a notice to be presented wrapped around a lamppost. These notices are difficult to read and I doubt whether they comply with the recommendations. I therefore hope that my comments will not be too late for the Planning Committee to consider.

I have lived in Shear Bank Gardens for over 40 years and during this period I have been aware of changes which are slowly destroying the leafy residential area that Shear Bank Road once was. Amongst other things, trees and walls have been removed and entrances widened, and sadly, many with with a poor standard of workmanship.

Since 2012 the gardens and walls at the front of 28 to 30 Shear Bank Road have been slowly destroyed, and the previous double entrance made into one. The frontage now presents itself as the carpark it is proposed to be. The loss of the shrubs, walls and greenery leaves the existing building exposed to view from Shear Bank Road. The proposed mosque, similarly elevated, which it is of an alien design to the remainder of the buildings in the area, will present an even more dominant view from the road.

Transport Statement is based on the assumption that the numbers attending the the mosque will be the same as those attending the existing building in Eldon Street and most will be on foot. The proposed mosque has a capacity for 250 visitors and I have no doubt that there will be many occasions when it will be used to capacity. Nearby in Wellington St Johns, the Mohaddis-E-Azam Education Centre has parking for about 25 vehicles and on Fridays the carpark is so crammed with cars that it would be impossible for emergency services to get near, should the need arise. Also in that area are a number of classes that younger pupils attend in the evenings with the result that the whole area becomes jam packed with cars as parents drop-off and collect their children. It is ludicrous to suggest that there will be no traffic problem and that people will arrive mainly on foot or by bicycle.

The proposed mosque will be the only building in Shear Bank Road with extensive parking visible from the road and with the building itself in a totally different style to anything nearby, the area will not be enhanced.

I would therefore urge the Planning Committee to reject this proposal.

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Objection R Knewstub

**19 PENZANCE STREET, MILL HILL, BLACKBURN, BB2 2RF**

Planning Application Reference: 10/14/1277 – 28-30 Shear Bank Road

I realize that my letter is a few days late. I am writing to voice a concern that has been expressed to me and to request that it be taken into consideration when planning approval is being considered.

It concerns the Call to Prayer. I understand that worshippers can receive this independently but that there is a possibility that the evening Call may be sounded in the area from the mosque.

The concern is that this evening Call would resound over a wider area than that in the immediate vicinity of the mosque and that many of those affected would not be aware of the existence of the planning application and of its possible effect on their lives.

In my opinion, it would, if allowed, change the atmosphere of this residential area and intrude into the consciousness of those who are not seeking it. I think especially of the Homes nearby whose residents are old and frail.

I should be glad if you could allow the contents of my letter to be considered.

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## Objection Mr A Taylor 4 Cowan Brae

Re. planning application: 10/14/1277

43 SEP 2015

So far so positive, now comes the big negative. Shear Bank Road is a long, climbing, crumbling narrow residential lane which in my view will be unable to cope with the increased levels of usage set out in the proposals. These largely ignore the true state and poor condition of the road. Simply drive along Shear Bank Road from its junction with East Park Road, and you can't help but notice the road itself is in awful mess. Years of neglect, bad winters, council cut-backs, haphazard filling in of pot holes and the resurfacing of short stretches, have all managed to cause an unsightly, uneven patchwork of repairs from one end to the other, without even addressing the real problem of what's underneath.

In view of the anticipated increase in traffic and pedestrian volumes, together with road/pavement parking all the way along Shear Bank Road, will further cause damage to the road core and road surface. There would also be a need for road markings, - (none at present); speed humps, - (none at present); turning; queuing, picking up and dropping off, - (as with any school), where the road narrows outside the car park. Resident's access and street parking nearby would be limited or taken by visitors for most of the day, (already causing some problems for neighbours). There would inevitably be restricted access in and out of the Cowan Brae 'T' junction - (directly opposite), at busy times, (due to congestion around afternoons, evenings and esp. Fridays). The need for constant unrestricted access for the Emergency services and Taxis turning into Cowan Brae which is a private drive would I am sure become a cause for concern.

So that by gearing up to cope with its new role from 'access only' to 'busy main thoroughfare', this quiet backwater, home at present to some of the finest old folks homes in Blackburn, will cease to exist as an old cotton town heritage area of special interest and conservation. Inevitably there will be wide ranging, costly and irrevocable consequences should proposals to modernise go ahead. Signing, road layout, junction engineering, constant road repairs (or even a new road), would cause disruption, stress and upheaval to residents (as at present, only more often), sewer maintenance, constant noise and traffic pollution - (together with the provision and emptying of litter bins in the surrounding areas), - all are issues which would need to be determined at some point by the Planning and Highways Committee.

Sadly for all parties concerned, in a situation such as this, I feel that by agreeing to solve one problem, we inadvertently gain a number of others at the same time. None of which can be ignored, and any of which could adversely impact the lives of residents, neighbours, and the wider community. Possibly a site nearer to Shear Brow would be better suited for this project, rather than inside the Corporation Park Conservation Area, - see Blackburn Council's own website and area map for details and development guidelines, - (implemented Thurs. 11th. Sept. 2014, by the Executive Board).

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## Objection Roger Hewitt

I am writing about the planning application (ref 10/14/1277) for the building of a mosque and madrassa at 28-30 Shear Bank Road. My partner and I have no objection to the development of a two storey building, which is in keeping with the height of surrounding buildings, nor to its proposed use.

We would like to comment on the traffic and parking arrangements.

Shear Bank Road has become busier in last few years due to the success of the Shahi Qila restaurant and the changes in town centre parking. We are seeing more cars parked in Shear Bank Road, Lilford Road, Park Avenue and East Park Road during the week as people avoid town centre parking. Shear Bank Road and the nearby roads are used as overspill parking when large events are happening at the Shahi Qila, particularly at weekends. There has been a corresponding increase in traffic along Shear Bank Road. Our concern is that any additional traffic for the proposed mosque and madrassa will mean a further increase in traffic and parking.

We would like to make the following suggestions to help manage traffic on Shear Bank Road:

- Remove the short stay parking on the west side of Shear Bank Road between Preston New Road and Clarence Street. This is a legacy from the DVLA Test Centre and can cause congestion – this is particularly noticeable in the early evening (about seven o'clock).
- Extend the double yellow lines (currently running between Clarence Street and Lilford Road) to the full length of the west side Shear Bank Road (ie between Preston New Road and East Park Road)
- Restore clear road markings and signs at all junctions on Shear Bank Road. There are no markings at the junction with Clarence Street and faded ones at Lilford Road and Park Avenue
- Discourage parking on the pavement. Shear Bank Road has a pavement on the east side but not on the west. Parking on the pavement obstructs our walking routes and forces us into the road.

We hope you find these comments useful.

Roger Hewitt

Roger Hewitt  
4 Shear Bank Close  
BLACKBURN  
BB1 8AW

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