

DEPARTMENT OF REGENERATION

ORIGINATING SECTION: Planning.

REPORT TO: Planning & Highways Committee.

TITLE: Petition regarding Full Planning Application (Retrospective) for Change of use of no. 53 from retail to cafe with ancillary use to the first floor (No.s 51 -53) and alterations to the shop front. at 51 - 53 Whalley Range, Blackburn, BB1 6EA

(Ref: 10/15/1402)

Applicant: Mr FAISAL AKBAR

Ward: Bastwell

Councillor Parwaiz Akhtar	
Councillor Iftakhar Hussain	
Councillor Shaukat Hussain	

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition, a copy of which is available in Democratic Services.

2.0 BACKGROUND AND DETAILS

2.1 Planning application reference 10/15/1402 was submitted to the Planning Authority on 3rd November 2015. Retrospective consent is sought for Change of use of no. 53 from retail to cafe with ancillary use to the first floor (No.s 51 -53) and alterations to the shop

2.2 Public consultation letters were issued on 11th December 2015. Neighbouring properties were re-consulted on 4 other occasions following an amendment to the scheme.

2.3 A 20 named petition objecting to the proposed development was received on 10th December 2015. A second 21 named petition was received on 16th February 2016 objecting to the proposal. Following the re-consultation on the amended scheme, a further 21 named petition was received objecting to the scheme reading:

As you will be aware the neighbouring properties house several generations of residential families and the area cannot be considered commercial in its entirety. We as local residents both on the adjacent, rear and neighbouring side to 51 & 53 Whalley Range have experienced a significant increase in commercial activity in the last 2 years. The shop known as La Glacier has created an explosion of commercial activity to a predominantly residential area which has had a significant impact on the lives of the local residents. The premises is surrounded by local residents some housing 3 generations of the same family. This area is at a crucial juncture to Whalley Range and the speed and volume of traffic prior to La Glacier's opening was already at saturation point. However subsequent to the opening of the business the volume of traffic has exploded resulting in a sharp increase of noise, antisocial behaviour and indeed severe pollution of the local streets causing physical and environmental damage.

We as local residents are continuously fighting against what is an avalanche of social and traffic problems. The anti social behaviour continues to the late hours of the morning and we have requested the police intervene on a number of occasions. This despite our

repeated requests to the business owners and indeed local enforcement authorities, which included Janet White, Senior Public Protection officer and Public Services, has resulted in Barrie's being put in place because of the level of traffic and anti social nature of the activities associated with the business. Shall we remind all people that the business is located on a busy main road which has double yellow lines on both sides of the street. The aforementioned application confirms that the existing parking arrangements will

remain in situ. There are no parking arrangements! We are faced with an increasingly large number of vehicles which ignore the parking restrictions and simply park on a busy road, on footpaths, around neighbouring properties and in fact in the middle of busy street if they are allowed to. How can this be upheld by you? The existing parking and traffic problems are simply going to be exasperated by the new application. No consideration appears to have been given to the fact that this is a densely residential area which is already saturated with cars and families, why are further business opportunities being granted at the detriment of the local residents.

The change of use requires La Glacier to serve food from the upstairs of their building. This effectively means that a busy takeaway and restaurant will be overlooking residential properties. In fact the proprietor of 100 Whalleyrange has noted that new seating / dining area of La Glacier will look into their young daughters bedroom also 60 Brookhouse Lane has noted that this new seating area will look directly into his mother's bedroom and their living room. This is a ghastly invasion of their privacy and completely at odds with their human rights. The local residents have had the privacy severely eroded in the last few years and this new application will only serve to further breach their right to life and right to privacy and equality of living standards for all neighbouring and adjacent properties. There is a serious erosion of the local residents human rights and indeed should this application succeed then local residents have a potential claim for breach of privacy, breach of trust and breach of fair living standards against the proprietor of La Glacier and indeed the Blackburn with Darwen Borough Council in the European Human rights court based in Strasbourg, France. Has any consideration been given to the potential fall out of this application proceeding?

number of people on a daily basis. Generations of the same family have had their lives blighted by this one business and this application will serve to further alienate a desperate group of local residents. This application cannot proceed and we strongly urge you to take this letter as our formal letter to object to application number 10/15/1402. Should this application proceed then the legal and financial fall out will be detrimental to all concerned.

At the time of writing, the local residents had noted that works to change the property in accordance with the above application have already begun and indeed in relation to the shop fascia, and rear air units and chimney have already been completed. This is a gross breach of due process in that it appears Mr Akbar is above the law given that the application has not yet been formally approved and yet Mr Akbar has almost completed all works listed therein. This needs to be addressed immediately and all works need to cease as a matter of urgency. Indeed all works which have been completed especially the grand fascia of the shop need to be reversed as a matter of urgency. Failing which this will of course be illegal and a matter which can be taken up in the local courts and indeed at a national level with our local MP and with the government.

In relation to transparency and retrospective action, the local residents have noted that La Glacier remains open until the early hours of the morning which is a flagrant abuse of the

planning permitted hours it can operate under.

We await hearing from you. Yours faithfully Residents of the local Properties affected by the above application.

2.4 The application has been approved under delegated powers, following chair referral.

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition, and that the lead petitioner be informed of the decision.

4.0 **BACKGROUND PAPERS**

4.1 None.

5.0 **CONTACT OFFICER** – Nazia Ali Rizvi (585344)

6.0 **DATE PREPARED** – 14th July 2016