

# Planning and Highways Committee

Thursday, 16 February 2017

18:30

Meeting Room A, Blackburn Town Hall

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## AGENDA

### PART I: ITEMS FOR CONSIDERATION IN PUBLIC

- |            |   |                |
|------------|---|----------------|
| <b>1</b>   | <b>Welcome and Apologies</b>  |                |
| <b>2</b>   | <b>Minutes of the Previous Meeting</b>  |                |
|            | To approve the Minutes of the meeting held on 19th January 2017                                       |                |
|            | <b>Minutes 19th January 2017</b>  | <b>2 - 5</b>   |
| <b>3</b>   | <b>Declarations of Interest in Items on this Agenda</b>   |                |
|            | <b>Declarations of Interest Form</b>  | <b>6 - 6</b>   |
| <b>4</b>   | <b>PLANNING MATTERS</b>   |                |
|            | <b>Material Considerations</b>  | <b>7 - 8</b>   |
|            | <b>Planning Applications Summary</b>  | <b>9 - 9</b>   |
| <b>4.1</b> | <b>Planning Application 10-16-1124 - 45 Railway Road, Darwen, BB3 2RJ</b>                             | <b>10 - 24</b> |
| <b>4.2</b> | <b>Planning Application 10-16-1170 - Land between 7 &amp; 18 Brookhouse Close, Blackburn, BB1 6PD</b> | <b>25 - 34</b> |
| <b>4.3</b> | <b>Planning Application 10-16-1321 - 2-4 Pemberton Street, Blackburn, BB1 9AB</b>                     | <b>35 - 40</b> |
| <b>5</b>   | <b>HIGHWAY MATTERS</b>  |                |
| <b>5.1</b> | <b>Objection Report TRO Batch 03 16 (Barley St) Barley Bank Street</b>                                | <b>41 - 42</b> |
|            |   | <b>43 - 45</b> |
| <b>5.2</b> | <b>Objection Report- Proposed Pay and Display Parking - Atlas Rd and Railway Rd Car Parks</b>         | <b>46 - 47</b> |
|            | <b>Atlas Rd Railway Rd car park p d plan</b>  | <b>48 - 48</b> |

### PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

Date Published: Tuesday, 14 February 2017

Harry Catherall, Chief Executive

**PLANNING AND HIGHWAYS COMMITTEE**  
**19<sup>TH</sup> JANUARY 2017**

**PRESENT** – Councillors Dave Smith (in the Chair), Ali, Brookfield, Casey, Entwistle (substitute for Khonat), Groves, Hardman, Mahmood (substitute for Hussain F), Hussain I, Khan Z, Murray, Nuttall, Oates, Riley, Slater Ja.

**OFFICERS** – David Proctor (Planning), Kate McDonald (Planning) Asad Laher (Legal), Safina Alam (Highways), Paul Conlon (Democratic Services) and Wendy Bridson (Democratic Services).

**RESOLUTIONS**

**78**    **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Hussain F and Khonat.

A minutes silence was held in memory of former Councillor Don McKinlay who served as a Committee Member.

The Chair informed the Committee that Christine Wood had taken Voluntary Redundancy and asked that a letter acknowledging her hard work and commitment be sent.

The Chair also announced that Kate McDonald would be leaving in May to take up a new position with the Planning Inspectorate.

**79**    **Minutes of the last Meeting held on 15<sup>th</sup> December 2016**

**RESOLVED** – That the minutes of the last meeting held on 15<sup>th</sup> December 2016 were confirmed and signed as a correct record.

**80**    **Declarations of Interest**

There were no declarations of interest.

**81**    **Planning Applications**

The Committee considered reports of the Director of Planning and Prosperity detailing the planning applications listed overleaf.

In considering the applications, the Committee took into account

representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

**RESOLVED – (1)** That the following decisions be made on the applications set out overleaf:

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/16/1194	McDermott Homes Ltd	Former Eclipse Mill, Eclipse Road, Feniscowles, Blackburn, BB2 5HF  Full Planning Application for residential development of 51 dwellings including associated infrastructure.	<i>Approved subject to:  Delegated authority be given to the Head of Service for Planning and Infrastructure to approve planning permission subject to an agreement under Section 106 of the Town &amp; Country Planning Act 1990, relating to the payment of a commuted sum of £51,000 towards: a. £25,000 towards the upgrading and general improvements of Rosebay Woods. b. £26,000 towards the upgrading of the current playground area</i>

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
			<p><i>(incorporating new playground equipment, replacing the surface of the playground, signage, and fencing improvements) at the play area on the Feniscowles and Pleasington War Memorial Ground.</i></p> <p><i>Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application</i></p> <p><i>With conditions as stated in the Director's original report with additional conditions as</i></p>

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
			<p><i>detailed in the Director's Update report.</i></p> <p><i>Discussions to take place with Ward Councillors and the applicant to seek an amendment to the site plan removing the footpath and that this be dealt with as a non-material amendment to the scheme.</i></p>

**81 Planning Appeal Outcomes and Performance**

A report was submitted to inform the Members of the outcomes of recent planning or enforcement appeal decisions.

**RESOLVED** – That the report be noted.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

**DECLARATIONS OF INTEREST IN  
ITEMS ON THIS AGENDA**

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## Material Consideration

**“Material Considerations”** are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<b><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></b>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	



Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

**NB: Members should also be aware that each proposal is treated on its own merits!**

#### Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting

**REPORT OF THE DIRECTOR OF PLANNING & PROSPERITY**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**BACKGROUND PAPERS**

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.  
Gavin Prescott, Planning Manager – Ext 5694.

**NEIGHBOUR NOTIFICATION:** The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

**PLANNING APPLICATIONS FOR DETERMINATION Date: 16/02/2017**

Application No	Applicant	Site Address	Ward
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10/16/1124

Mr Manir Ahmed  
57 Richmond Road  
Darwen  
BB3 3DE

45 Railway Road  
Darwen  
BB3 2RJ

Sunnyhurst

Full Planning Application for Change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation. Erection of single storey rear extension, installation of velux windows and replacement existing upvc with timber sash windows (front elevation).

**RECOMMENDATION: Permits**

10/16/1170

Mr Iqbal Vali  
18 Brookhouse Close  
Blackburn  
BB1 6PD

Land between 7 & 18 Brookhouse Close  
Blackburn  
BB1 6PD

Bastwell

Full Planning Application for Erection of one dwelling

**RECOMMENDATION: Refuses**

10/16/1321

Mr Kasim Ali  
2-6 Pemberton Street  
Blackburn  
BB1 9AB

2-4 Pemberton Street  
Blackburn  
BB1 9AB

Roe Lee

Full Planning Application for Change of use from a single residential dwelling to 2 single residential dwellings and retention of opening to the front door

**RECOMMENDATION: Permits**

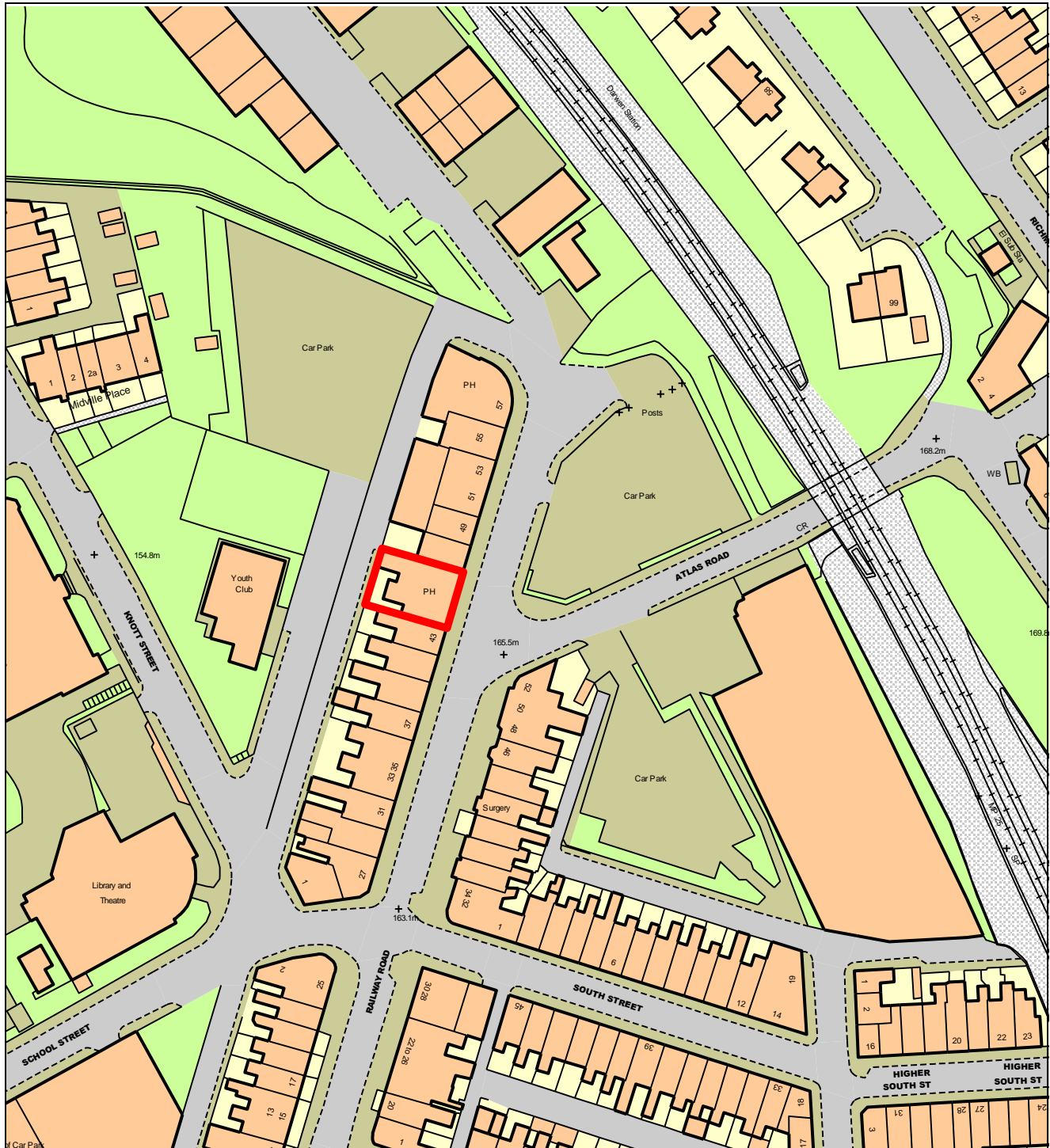
Proposed development: Full Planning Application for Change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation. Erection of single storey rear extension, installation of Velux windows and replacement existing upvc with timber sash windows (front elevation).

Site address: 45 Railway Road, Darwen, BB3 2RJ

Applicant: Mr Manir Ahmed

Ward: Sunnyhurst

Councillor Dave Smith	
Councillor Brian Taylor	
Councillor Pete Hollings	



## **1.0 SUMMARY OF RECOMMENDATION**

Item 4.1

### **1.1 APPROVE – Subject to conditions**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1.1 The proposal would provide an Islamic place of worship within Darwen Town Centre to meet the needs of some of the town's Muslim resident community as well as those who work in Darwen.

2.1.2 The key issues to be addressed are as follows:

- Principle of development.
- Impact upon the conservation area
- Impact upon residential amenity
- Parking provision and impact of the development on the highway.

2.1.3 The proposal would be sited within the boundary of Darwen Town Centre. The character of the surrounding area comprises of a mix of residential, retail, hot food, leisure and financial uses. The application site falls within the Darwen Town Centre Conservation Area, therefore careful consideration has been applied to the impact of the external alterations to the conservation area. The proposed use as a mosque/madrassah would have potential impact on residential amenity in relation to noise on the street and from the use itself. Due consideration has also been given to the fall-back position for the development of its former use as a public house, and impact on amenity related with this use. Although the proposal lies within a sustainable location, an assessment of the noise impact associated with the drop off and pickups have been assessed and potential mitigation measures have been considered.

## **3.0 RATIONALE**

### **3.1.1 Site and Surroundings**

3.1.2 The proposal relates to an attractive three storey mid terrace Victorian stone building located on Railway Road, within Darwen Town Centre Conservation Area. The former use was a public house with four self-contained flats to the upper floors.

3.1.3 The surrounding area is largely commercial comprising a range of uses including retail, leisure, commercial and industrial. The application property is attached to a vacant unit to the north and residential unit to the south.

## **3.2 Proposed Development**

Item 4.1

3.2.1 The proposal is for the change of use from a former public house into an Islamic Education Centre and Mosque with ancillary living accommodation, the erection of single storey rear extension and retrospective consent for the installation of upvc windows and doors to the rear elevation. The main entrance to the proposed facility is to the rear.

3.2.2 The following amendments and additional information have been received during the process of assessing the application following negotiations with the case officer:

- Number of classes reduced from 6 to 3, and reduction of students from a total of 147 to 15 students per class;
- Removal of classrooms at first floor level, replaced with an administration office and ancillary residence for the Imam;
- Reinstatement of chimneys;
- Replacement timber sash windows and hardwood timber door to the front elevation;
- Amended Planning and Heritage Statement (inclusion of madrassah timings);
- Amended acoustics Report (to record levels assessed against the maximum number of worshippers); and
- Addendum to acoustics report (amenity impact at early hours, amenity impact of worst case scenario, amenity impact of maximum noise levels at the closest car parks, sound proofing treatments).

The assessment presented to the Committee is based upon the amended plans/information.

## **3.3 Development Plan**

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

### **3.3.2 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and design of new development
- CS17 - Built and Cultural Heritage

### 3.3.3 Local Plan Part 2

Item 4.1

- Policy 1 - The Urban Boundary
- Policy 2 – The Inner Urban Boundary
- Policy 7 – Sustainable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 26 – Town Centres – A Framework for Development
- Policy 31 – Development in Defined Shopping Frontages
- Policy 39 - Heritage

### **3.4 Other Material Planning Considerations**

#### 3.4.1 National Planning Policy Framework (NPPF)

### **3.5 Assessment**

#### 3.5.1 Principle of Development

3.5.2 The site is located within the inner urban boundary of Darwen, whereby Policies 1 and 2 of the adopted Local Plan Part 2, and CS1 of the adopted Core Strategy encourage new development. The proposal also lies within the Darwen Town Centre, designated within a primary shopping frontage and conservation area. As such, Policies 26, 31 and 39 would also be of relevance.

3.5.3 Policy CS11 of the Core Strategy supports the development 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.

3.5.4 National Planning Policy Framework (NPPF) paragraph 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.

3.5.5 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 site is located in the town centre of Darwen, being within the inner urban area. The proposal is sited in a



highly sustainable location and would 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.

### 3.5.6 Design and impact upon the Conservation Area

3.5.7 The site is located within the Darwen Town Centre Conservation Area. Local Plan Part 2 Policies 11 and 39 are of relevance, supporting development provided design is of a high standard, which respects the character and appearance of the area, and does not introduce changes which would detract from this. This is also reflected within Policies CS16 and CS17 of the Core Strategy.

3.5.8 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 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.

3.5.9 The proposal relates to a highly prominent mid-terrace three storey Victorian stone building. The three storey height of the building creates a sense of imposing character, being taller than other buildings within the terrace row.

3.5.10 Retrospective consent is sought for the installation of upvc windows to the rear. It is considered that upvc windows to the rear elevation would not create a significantly harmful visual impact, to the detriment of the setting of the building or its location within the conservation area. As such, the insertion of the upvc windows to the rear is considered to be acceptable and in compliance with Policies 11 and 39. Consent is sought to replace the existing unauthorised upvc windows to the front elevation with timber sash windows, together with the replacement of the existing upvc entrance door with a hardwood timber door to reflect the original Victorian appearance of the building.

3.5.11 The proposal also includes the erection of a single storey rear extension constructed with render, featuring a flat roof. The extension is small scale and set to the rear of the building, where there are already a number of other flat roofed outriggers within the locality. The proposed rear extension will incorporate the main entrance to the building, together with the ablution area, and toilets. A total of eight roof light windows would be introduced to the front and rear roof slope serving a storage area. A condition requiring the roof lights to be "conservation style" will be imposed to ensure flush fitting and an acceptable impact upon the building.

3.5.12 The proposed changes are considered to contribute to the enhancement of the building, particularly the installation of timber windows and door to the front elevation. The changes are considered to have a positive impact upon the character of the of the conservation area in accordance with Local Plan Part 2 policies 11 and 39.

### 3.5.13 Impact upon Residential Amenity

3.5.14 Local Plan Part 2 Policy 8 supports development where it would secure a satisfactory level of amenity and safety for surrounding uses. Concerns have been raised by objectors with regards to general noise/disturbance created by the use and those accessing the development.

3.5.15 The attached property at No.43 is a residential dwelling. No. 47, sited north of the proposal was vacant during the time of the site visit. The planning history for No. 47 dates back to 1987 (Application Reference 10/87/1534), with permission granted for the change of use from offices to retail. The wider area is largely a mix of commercial and residential.

3.5.16 The scheme proposes to create the main prayer hall at ground floor level accommodating a maximum 128 worshippers, 3 classrooms at first floor level accommodating approximately 42 children. The second floor would comprise an office and ancillary living accommodation for the imam. The third floor is indicated as storage on plan, however, 8no. roof lights are proposed. Therefore, in order to control the use of the third floor, as additional prayer rooms would intensify the use requiring further assessment, a condition is recommended to control the use of the third floor for storage purposes only.

3.5.17 It is considered that the proposed use, within the building, for religious education and prayer is unlikely to conflict with residential amenity in the locality. In the main, these activities involve quiet contemplation and are not likely to generate any significant noise levels. This assessment is strengthened when considering the fall back use as a public house which might result in raised voices or the playing of music.



- 3.5.18 However, a separate consideration of the general disturbance associated with the coming and goings from the premises is required. The application has two main elements which could potentially cause noise concerns. Firstly, the Madrassa which is identified as occurring between 4.30pm and 6.30pm (Monday to Friday). The submission identifies 3 classrooms, this use being for 15 students in each room. It is considered that the proposed timing in the afternoon and moderate intensity of the Madrassa use is unlikely to conflict with residential amenity.
- 3.5.19 The second element is in relation to the Mosque facility, the proposed operating hours are Monday – Saturday 06.00-23.30 and Sundays 10.00-23.30 accommodating worshippers to perform their 5 daily prayers, these occurring at, sunrise, midday, mid-afternoon, sunset and the late evening. The timing of these will change depending on whether it is summer or winter. During the summer, the Morning Prayer can begin at 2:30am, whereby this would be 7:00am in the winter. The last prayer is around 22:30 in the summer, and 19:30 in the winter. Members must note that the proposed opening hours would not accommodate the morning prayers during the summer, and it is considered that there would be no noise disturbance to surrounding residents during the hours between 11.30pm until 06.00am.
- 3.5.20 A key day of the Islamic week is Fridays where the ‘Juma’ Prayer is performed. The submission indicates this period to have an anticipated attendance of approximately 50-60 worshippers, and ‘a maximum of 10-15 no. worshippers’ to be expected at other times to perform daily prayers.
- 3.5.21 Whilst the proposal can clearly accommodate more worshippers, the submission details indicates a maximum of 15 users for daily prayers (with the exception of Fridays). Given the likelihood that some users would walk, whilst others would car share, the intensity of the users arriving and leaving is not considered to be significant. Furthermore, the nature of the use is to pray and reflect, and it is not expected that users would be entering or exiting the building using raised voices, although this clearly cannot be controlled through planning legislation. It is advised that the anticipated intensity of use would lead to the conclusion that the potential for loss of amenity would be limited, particularly given the fall-back position
- 3.5.22 A position contrary to the above is set out in the letters of objection received. Objectors have indicated that the movements from worshippers would lead to disturbance due to the parking of vehicles, and the general comings and goings of users of the facility.
- 3.5.23 The application has been supported with an Acoustics Report which concludes, providing all necessary sound proofing is completed, the use of the proposed centre would not increase the noise level at

the residential property adjacent to the site and the use of cars and talking of the people arriving at the centre will be indistinguishable from the present existing environmental noise.

3.5.24 The amended scheme would address significant concerns raised by the Public Protection officer in relation to the noise impact from the use and noise on the street. However, as stated above the noise levels on the street would not be exacerbated from the previous use as a Public House with no controlled hours. The impact upon residential amenity has been thoroughly assessed, and it is recommended that the following conditions would ensure that the impact upon amenity is controlled:

- No external call to prayer
- Sound insulation for the premises
- Hours of use restriction
- Construction phase hours of operation restriction

3.5.25 Providing the conditions are imposed, it is considered that on balance the development is not likely to erode residential amenity and would comply with Local Plan Part 2 Policy 8.

#### 3.5.25 Parking Provision and Impact of the Development on the Highway

3.5.26 Policy 10 of Local Plan Part 2 requires 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.

3.5.27 Resident objections have been received to the development. Concerns raised relate to increased traffic and incapability of roads to accommodate the volume of traffic.

3.5.28 The site's position within Darwen Town Centre negates the lack of dedicated parking for the property. There are on-street short and long stay opportunities in close proximity, whilst the area generally is identified as being accessible by sustainable modes of transport, indeed being very close to the Darwen Railway Station and the bus interchange. As such, the lack of dedicated parking is considered acceptable.

3.5.29 As referred to previously, the main entrance to the facility is to the rear of the building. There is an existing public car park 20 metres to the north west of the application site on Knott Street, which is accessed via the back street. This access is well lit and is likely to be used by the prospective worshippers using the facility.

3.5.30 The main highway concern is associated with the dropping off and picking up of children attending the madrassa. This typically occurs at a busy period on the road network and when many of the on-street parking spaces will already be occupied. The submission details indicate the proposal will cater for the Muslim community who reside in residential streets adjoining the centre, as well as town centre workers. However, what often happens, and is commonly associated with uses of this nature, is that parents will pick up and drop by car. As such, it is recommended that a Green Travel Plan is submitted by condition prior to the occupation of the proposed use, which will set out ways in which people could travel to the site sustainably, for example, walking, cycling, rail, bus or car sharing. The Travel Plan will be required to be implemented on occupation, with all users of the premises being made aware of its requirements.

3.5.31 Given the highly sustainable location and the requirement for a travel plan, it is considered that the proposal accords with Local Plan Part 2 Policy 10.

## **4 RECOMMENDATION**

4.1.1 **APPROVE** subject to the following conditions:

- Prior to occupation, installation of timber windows and doors, samples to be submitted;
- Details of conservation style roof lights to be submitted prior to construction;
- Restriction of 3<sup>rd</sup> floor to storage;
- Green travel plan to be submitted prior to occupation;
- No external call to prayer;
- Hours of use:- Monday to Saturday: 06:00 – 23:30 hours
- Sundays/Bank Holidays: 10:00 – 23:30 hours
- Construction hours:- There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times: Monday to Friday 08:00 – 18:00 hours; Saturday 09:00 - 13:00 hours
- Details of sound insulation to be submitted prior to commencement;
- Restrict the use to that applied for and for no other use within Use Class D1; and
- Materials to be submitted prior to commencement

## **5 PLANNING HISTORY**

None

## **6.0 CONSULTATIONS**

6.1.1 37 neighbouring properties were consulted by letter. 266 letters of objection have been received. 27 of these letters have been received following the recent amendment referred to in paragraph 3.2.2. Of these

letters, 4no. relate to material planning considerations. The comments can be summarised as follows: Item 4.1

- Noise associated with the mosque
- Anti-social behaviour
- Parking congestion

6.1.2 A petition supporting the development was received on 18<sup>th</sup> November 2016 and presented to the Planning and Highways Committee on 15<sup>th</sup> December 2016. 5 letters of support have been received.

6.1.3 Conservation and Design Officer – Initial concerns were raised in relation to the upvc installed to the front elevation of the building. The amendments seek to replace the windows with timber sash.

6.1.4 Highways Officer – On balance, no objections to the proposal.

6.1.5 Public Protection officer – Various concerns raised in relation to amenity:

Initially raised concerns over the impact of the proposed towards the occupants of the nearby residential properties. The submitted noise assessments have been assessed, and there are concerns relating to the comings and goings arising from worshippers attending the facility by car in the early hours.

**Condition – Amplified Outdoor Call to Prayer Broadcasts**

*Please impose a condition prohibiting outdoor amplified call to prayer broadcasts should this development be approved.*

**Condition – Hours of Use Restriction**

*The approved use shall be restricted to the following times:*

*Monday to Saturday: 06:00 – 23:30 hours*

*Sundays/Bank Holidays: 10:00 – 23:30 hours*

*Any variation of the above hours restriction must be approved in writing by the Planning Authority.*

**Reason**

*To ensure appropriate hours of use to minimise noise disturbance at residential premises.*

**Condition - Sound Insulation of the Premises**

*The applicant shall submit a sound proofing scheme to the local planning authority for written approval prior to the commencement of the development. The scheme shall be designed to minimise the transmission of sound to adjacent premises; all necessary sound proofing works must be completed before commencement of the approved use and retained for the duration of the approved use.*

**Reason:** *To ensure that residential amenity is preserved.*

**Construction Phase Control Conditions**

**Condition – Hours of Site Works**

*There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:* Item 4.1

*Monday to Friday 08:00 – 18:00 hours*

*Saturday 09:00 - 13:00 hours*

*Any variation of the above hours restriction must be approved in writing by the Planning Authority.*

*Reason*

*To ensure appropriate hours of site work to minimise noise during the construction phase.*

**6 CONTACT OFFICER:** Nazia Ali Rizvi ,Planner

**7 DATE PREPARED:** 3<sup>rd</sup> February 2017

## SUMMARY OF REPRESENTATIONS

Item 4.1

Cllr Brian Taylor, Sunnyhurst Ward Councillor  
Sent: 28<sup>th</sup> January 2017:

*I am more content that the amended application is far more 'low key' than the original application. Also I note that the main entrance will be to the rear.*

*I'm very pleased that this will renovate an empty building that's been a blight on Railway Rd for about 8 years*

*There is more than adequate parking at Knott St car park - directly behind the premises*

*May I ask that a condition is applied that the white UPVC windows and doors installed without planning permission are returned to wooden sash windows and a wooden door in line with Conservation Area policy - this will considerably improve the frontage of the building.*

*Could I ask that my comments as a Ward Councillor be included in the planning report.*

Sent: 17 January 2017 13:19  
To: Planning  
Subject: Application No: 10/16/1124

For the attention of the Case Officer

I received information regarding this application and having considered it carefully I would like to object for 2 reasons, firstly the situation regarding parking in that area is already chronic due to the numbers of take-aways and retail outlets and commuters using the available car park as a park and ride facility and if this application is successful it would aggravate the situation, also the size of the building would be out of character with the existing area.

Rowland Dowell  
39 Atlas Road  
Darwen  
BB3 3BY

Sent: 20 December 2016 12:21  
To: Planning  
Subject: Fw: Proposed Mosque ref 10/16/1124

Dear Sir/Madam

We are writing to object to the proposed mosque and Islamic education centre to be located at 45 Railway Road Darwen, BB3 2RJ; planning application reference 10/16/1124. Our reasons for objecting are as follows:

There is a mosque located within a short distance of that proposed in the application. This mosque is unobtrusive and integrates well with the local community, indeed there are many within Darwen who are unaware that it is there. The first question must then be is this mosque over utilised and therefore there is a need for another to allow the Muslim community freedom of worship. To answer this question we asked around Muslim friends and they all consider there is no need for this additional mosque as the current one is of sufficient capacity to meet their needs.

The proposed development is in an area with restricted on road parking and located on a very dangerous sharp bend in the road with restricted visibility. It is therefore very likely that those using the mosque would make use of the current train station car park located opposite. It is obvious that this would cause both disruption and create the possibility of resentment within a local community that we consider to be currently very well integrated.

There is also a car park located across the road but access to this is often restricted by the taxi firm. However, even if this problem was to be overcome users of the mosque would need to cross the road at the previously mentioned blind bend, as the proposal also includes an Islamic education centre this would involve young children being put at great risk due to the level of traffic using Railway Road.

Experience of parking around mosques in Blackburn has demonstrated that at peak times users care very little for the disruption caused and will park anywhere they can as close to the mosque as they can, little is done to prevent this and it causes divide within the community.

The proposal would also create an unacceptable level of disturbance and noise within the local area with the mosque likely to be open from 6:00 am up until 11:30 pm.

In conclusion we consider this to be the wrong location for this development due to lack of need, safety, parking, disruption, disturbance and noise.

Yours faithfully

Lynda and Phil Ryder

75 Richmond Terrace, Darwen, BB3 0HE

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Mr P Kendrick. 728 Bolton Road, Swinton. Salford. M27 6EW. 28-12-2016  
Mr Peter Kendrick

### 1.3

This Property will not take 45 Students And 120 Worshipper 5 times a day.

It states that the Worshipper can arrive on foot I find that hard to believe . P 1.

### 1.4

This Public house is not suitable for a Mosque. The Public house was never designed to have 165 Worshipper at the same time & a further 120 Worshipper 4 times a day Total 645.

## 2.0.Site & Surrounding.

### 2.1.

- The property falls within conservation area. This should be taken **Seriously.**

### 2.3.

The conservation is protected from inappropriate development. A Mosque would generate a large amount of traffic next to the railway station. You could not find 5 spaces at 8 AM. It would be interoperate to take the down chimneys stacks or the dress t stone over the door. The right chimney belong to 47 railway road. 47 Railway Road. Was part of the pub in the past.

### 3.0.

### 3.1.

The Mosque would be open for 18 hours per day. If it is granted it would cause problems around the Railway Road & Railway Station.

### 3.2

Item 4.1

The main entrance will be to the rear of the property. It would be blocked up with cars. This would stop the off road parking from parking.

### 4.3

The contribution would be limited to a minority of the community. It would cause a lot of noise. It would cause a great nuisance. It causes a great deal of pollution from the hundreds of cars in & out.

The character of 45 Railway Road will be destroyed if the chimneys, stacks & dressed stone are taken down. The chimney to the right of the pub belongs to 47 Railway Road. 47 was formerly part of the Pub 45. P 2.

Car parking is the biggest problem. 45 students & 120 worshippers 5 times a day 600 times 2 per day 1200 cars in & out a day 45 students in out that is 90 cars plus 1200 that is 1380 cars in & out per day.

### .16.

Transportation It will not be by rail, bus & bicycle. It will be by car. cars will park in the side streets of Railway Road.

Mr Peter Kendrick

---



Laurel Ziyenge  
20 Laurel Avenue  
Darwen  
BB3 3AG

Item 4.1

Dear Sir/Madam,

**Objection to planning Application ref: 10/16/1124**  
**Address: 45 Railway Road, Darwen, BB3 2RJ**

I am writing to object to the above planning application for an *"Islamic Education Centre and Mosque"*. My reasons for objecting are as follows:

#### **Design**

The building would not fit with existing buildings, would dominate and have a negative impact on the local area by detracting from the unique character.

#### **Increased danger of road accidents**

Railway road is not suitable for increased traffic. The road is highly pedestrianised, busy and congested. No: 45 is a very sensitive spot at the junction of Atlas Street which is often under repair because of frequent pot holes. Due to this traffic backs up onto railway Road. As one pot hole is repaired another appears. Driving at 10 mph through pot holes, the car often lurches into the right-hand lane and oncoming traffic. Cars often park on Railway Road near to the junction so it's not possible for two-way traffic to flow freely. Pedestrians often can't cross the road because the bend makes it difficult to see what is coming from all directions. Visitors from outside the area would further exacerbate traffic conditions by parking on the congested Railway Road.

#### **Disturbance**

Where mosques are established in residential areas like Tatton Hall Walk in Fallowfield, Manchester, there is significant disturbance to residents.

Disturbance due to:

Noise late at night (long after closing);

Anti-social behaviour like smoking and dropping butts and general littering;

Litter thrown into gardens;

Groups of men standing around and talking loudly, is threatening to individuals using the area generally and particularly at night.

When this happens the area depreciates, residents who can move out and property values drop.

We would have these same problems in Railway Road and surrounding area and would increase to unmanageable proportions during festivals like Ramadan.

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**Proposed development: Full Planning Application for Erection of one dwelling**

**Item 4.2**

**Site address: Land between 7 & 18 Brookhouse Close, Blackburn , BB1 6PD**

**Applicant: Mr Iqbal Vali**

**Ward: Bastwell**

**Councillor Parwaiz Akhtar**

**Councillor Iftakhar Hussain**

**Councillor Shaukat Hussain**



## **1.0 SUMMARY OF RECOMMENDATION**

Item 4.2

1.1 The proposed development is recommended to be refused planning permission for the reasons as follows:

- By virtue of the size and position of the development plot, the proposal fails to provide useable private amenity space for the neighbouring dwelling at No. 18 Brookhouse Close, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 (December 2015).
- The position in relation to, and the substandard separation distance with, No. 18 Brookhouse Close – dwelling appears as an awkward and cramped addition to the street scene, failing to respect the physical context of its surroundings, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.
- Poor access and parking provision fails to make the appropriate provision for off-street parking, to the detriment of the safe, efficient and convenient movement of all highway users, contrary to Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2
- The proposal fails to make best use of the existing landmarks and views, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 The key issues to be addressed are as follows:

- Design.
- Scale and massing within the context of the site.
- Amenity space.
- Impact on neighbouring living conditions.
- Parking provision and impact of the development on the highway.
- Visual connections.
- Drainage and sewerage issues.

2.2 Whilst the applicant has attempted to address the reasons for refusal relating to the previous application, and subsequent dismissal of the appeal, the current proposal is still considered to provide a cramped form of development within Brookhouse Close, leaving insufficient private amenity space for the proposed dwelling itself and No.18. As such, it is considered that the proposed development would be an overdevelopment of the application site.

## **3.0 RATIONALE**

Item 4.2

### **3.1 Site and Surroundings**

- 3.1.1 The application site for the proposed development is located in the eastern corner of Brookhouse Close. The land on which the dwelling and its curtilage is to be sited straddles the boundary between Nos. 7 and 18 Brookhouse Close and currently forms part of the curtilage to both dwellings.
- 3.1.2 The wider context sets the site at the eastern end of a residential area off Whalley Range. The rear elevation would be built facing towards an upholstery manufacturing business on Whalley Range Business Park, with the side elevation facing the approach road to the units that make up the industrial/commercial area.

### **3.2 Proposed Development**

- 3.2.1 The proposal is for a link-detached dwelling that would be built against the car port belonging to No. 7 Brookhouse Close. The dwelling would be two-storey, with a single storey porch and W.C. projecting from the east elevation.
- 3.2.2 The proposal is a resubmission of planning application 10/15/0182, refused under delegated powers on 29<sup>th</sup> May 2015. The subsequent appeal was dismissed by the Planning Inspectorate.

### **3.3 Development Plan**

- 3.3.1 Blackburn with Darwen Borough Core Strategy:  
Policy CS5: "Locations for New Housing"  
Policy CS7: "Types of Housing"  
Policy CS8: "Affordable Housing Requirements"
- 3.3.2 Blackburn with Darwen Borough Local Plan Part 2:  
Policy 18: "Housing Mix"  
Policy 8: "Development and People"  
Policy 9: "Development and the Environment"  
Policy 10: "Accessibility and Transport"  
Policy 11: "Design"

### **3.4 Other Material Planning Considerations**

- 3.4.1 National Planning Policy Framework (NPPF) Section 6: "Delivering a wide choice of high quality homes".

### 3.5 Assessment

- 3.5.1 Design. Policy 11 requires the design, materials and shape to complement local character. The proposed dwelling is largely considered to achieve this. The vertical emphasis of the fenestration at first floor level is not so much in keeping with the general horizontal emphasis incorporated in the wider setting. However, it does maximise light entering into the interior of a property that has had to reduce its width to deal with the constraints of the site. Moreover, the style is reflected at ground floor level at No. 18. The front gable roof is a feature established within the street scene and adds to the integration of the dwelling's design into the setting.
- 3.5.2 Scale and massing. In the Planning Inspector's appeal decision, he states that the scale and massing of the proposed built form would appear in the street scene as inappropriately sited. The resultant dwelling left too little space for itself and No. 18 and formed an 'awkward and cramped addition' to the street scene. The dwelling proposed in this application has been reduced from a double fronted to a single fronted building, the width being reduced from 8.3 metres to 6 metres. The single storey side porch adds a further 4.2 metres to the width, to a depth of 3.3 metres. As such, the applicant has attempted to address the concerns relating to the scale and massing of the proposed dwelling.
- 3.5.3 Amenity considerations. Whilst the scale and massing in itself is considered more acceptable, the layout of the plot is such that no additional amenity space is restored to No. 18. The rear garden provides only minimal useable space, and part of the side garden is lost to the new development, again leaving only the most minimal space. Policy 11 of the Local Plan Part 2 requires development to provide defensible amenity space. Commenting on the previous proposal for a dwelling on the site the Planning Inspector stated that private amenity space at No. 18 would, from his "observations on site and all the evidence, be severely restricted, which would adversely affect the occupants including future occupants of the house". Given that the proposed dwelling utilises the same amount of No. 18's curtilage as in the previously refused scheme, the loss of amenity space to No. 18 is therefore considered to be contrary to Policy 11 of the Local Plan 2.
- 3.5.4 Neighbouring living conditions. Policy 8 of the Local Plan Part 2 requires development to secure a satisfactory level of amenity for surrounding occupants, with reference to privacy and the relationship between buildings. The Residential Design Guide Supplementary Planning Document sets the acceptable separation distance between buildings as 13.5 metres between a blank gable and a habitable room window. The separation distance between one of the two lounge windows of the proposed dwelling and the side elevation of No. 18

would be 8 metres. The substandard separation distance is considered to evidence the cramped nature of the site that fails to respect ~~the~~ 4.2 physical context of its surroundings. As such, the proposal is considered to be contrary to policies 8 and 11 of LPP2.

- 3.5.5 Parking and Highways Considerations. In dismissing the appeal against the Council's decision to refuse the previous scheme, the Planning Inspector noted in his report that the new dwelling 'would not be able to meet its own servicing requirements in that a shared driveway with No. 7 would be necessary'. Although in this application one parking space is proposed to be accessed from Boyle Street, the main proposal still retains the shared driveway with No. 7 for one parking space. As the Highways Officer comments (see 6.4 below) the spaces can become inaccessible, which in turn leads to parking on-street. This is not supported owing to the existing highway being severely congested with parked vehicles and is therefore considered to be contrary to Policy 10 of the Local Plan, which requires appropriate provision to be made off-street and to secure the safe, efficient and convenient movement of all highway users.
- 3.6.6 The secondary car parking space is proposed to access off Boyle Street which is heavily utilised by goods vehicles who make deliveries to the mill and units which form part of the industrial/business park. If Members approve the application, this space would only become accessible by the applicant providing a dropped kerb crossing. The removal and relocation of a lighting column would also be required. However, the concern is that a vehicle approaching the front of the dwelling on Brookhouse Close, and finding it inaccessible, is unlikely to drive round the block to Boyle Street, but would be more likely to park on Brookhouse Close.
- 3.6.7 Visual Connections. The gradient of the land is such that the ridge lines of the houses step down to the eastern corner of the site, with the side garden area at Nos. 7 and 18 providing a gap through the Close to Boyle Street and beyond. The Planning Inspector noted that this and other gaps between the dwellings 'make a positive contribution to the overall appearance of the Close and assist in breaking up the preponderance of built form and hard landscaping. In the absence of a physical link they offer a visual connection beyond the cul-de-sac'. Policy 11 of the Local Plan Part 2 requires layout and building orientation to make best use of existing connections, landmarks and views. The reduced width allows the retention of an element of this gap, although it is considered that the quality of the amenity afforded Brookhouse Close by the most open of gaps is compromised to a harmful degree.
- 3.6.8 Policy 11 also requires the dwelling's orientation to respect the build line and the established character of the street. The proposed development is considered to fail these criteria. The front elevation breaks the established pattern of facing out towards the highway.



Moreover, it extends beyond the front elevation of No. 18, being built in line with the side elevation of the neighbouring dwelling, breaking the build line and creating a new form of relationship between buildings in the street scene. The substandard space distance referred to in paragraph 3.5.4 exacerbates the awkwardness of this relationship.

- 3.6.9 Drainage and Sewage. United Utilities have advised that a sewage pipe runs through the site (see comments at 6.9 below) and that prior to development the applicant will be required to satisfy United Utilities that the development is at the correct distance from this pipe. Members are advised that the conditions requested by United Utilities and set out below will need to be attached to the Decision if the Committee approves the decision.

## **4.0 RECOMMENDATION**

- 4.1 Refuse

## **5.0 PLANNING HISTORY**

- 5.1 Enquiry 06823. Whether or not a new dwelling would be acceptable at the site. Responses issued 4<sup>th</sup> May 2016 and 17<sup>th</sup> June 2016 advising that proposals had not met all criteria set out by Planning Inspector as being necessary for the development to be acceptable.
- 5.2 10/15/0182. Erection of one new dwelling house. Refused under delegated powers 29<sup>th</sup> May 2015. The subsequent appeal was dismissed by the Planning Inspectorate on 12<sup>th</sup> February 2016.
- 5.3 10/95/1379. Conversion of existing car port into habitable room at No. 18 Brookhouse Close. Approved under delegated powers 21<sup>st</sup> December 1995.

## **6.0 CONSULTATIONS**

- 6.1 13 neighbouring properties. No objections were received.
- 6.2 Drainage. No objections to the proposal, but the following conditions would be required:
- Condition 1. The site lies wholly within Flood Zone 2 meaning that the site is at risk of flooding from storms having between a 1 in 100 and 1 in 1000 annual probability of flooding from rivers. If the property floor level cannot be raised 300mm above the maximum flood level then flood resilient materials must be used for construction. The applicant must follow the EA standing advice for building in Flood Zone 2.

Reason: To ensure that properties built within a flood zone are flood resilient. Item 4.2

- Condition 2. There are foul and surface water sewers crossing the site within the garden of number 18. The positions of the sewers on United Utilities sewer records are indicative only. United Utilities must be consulted for permission to build over the sewers. This permission may not necessarily be granted. Reason: Permission to build over public sewers is a legal requirement.

- 6.3 Environmental Services – Cleansing. No objections providing bin storage is provided.
- 6.4 Highways - The vehicular access to the property is across land which is outside the red edge. Due to the angle occupants would have to utilise the drive for No. 7 to access their property. The spaces can become inaccessible, which in turn leads to parking on-street, which is not supported owing to the existing highway being severely congested with parked vehicles.

The secondary car parking space is proposed to access off Boyle Street which is heavily utilised by goods vehicles who make deliveries to the mill and units which form part of the industrial/business park. If Members approve the application, this space would only become accessible by providing a dropped kerb crossing. The removal and relocation of a lighting column would also be required.

Highways therefore maintains its objection, the application being considered to be contrary to policy 10 of the Local Plan Part 2 and proposing inadequate parking provision.

- 6.5 Housing (Strategic). No objections, subject to the proposal meeting all planning policies.
- 6.6 Canal and River Trust. No comments. The application falls outside the notified area for its application scale.
- 6.7 Environment Agency. The site is in Flood Zone 2 and over 8m from the top of the bank of the River Blakewater. Consultation was therefore not required.
- 6.9 United Utilities was not consulted, but have proactively sent the following comments (which were not made to the Authority during the previous planning application, and therefore were not available at the pre-application stage for this application).

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:



- Foul Water Condition 1: Foul and surface water shall be drained on separate systems. Reason: To secure proper drainage and to manage the risk of flooding and pollution. Item 4.2
- Surface Water Condition 2: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Additional Comments:

- A public sewer crosses this site and United Utilities will not grant permission to build over or within 3 metres of the centre line of it. The requirement for their permission is detailed within the guidance that supports Part H4 of the Building Regulations. If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with United Utilities' Developer Engineer as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.
- Water Comments: The level of cover to the water mains and sewers must not be compromised either during or after construction. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant would be required to contact United Utilities on regarding connection to the water mains or public sewers.
- General comments: It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and the applicant is recommended to contact the Property Searches Team to obtain maps of the site.

- Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records. If a sewer is discovered during construction, a Building Control Body would need to be contacted to discuss the matter further.
- Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

Members are advised that, should they approve the application, it is recommended that United Utilities' conditions be applied, and other comments be included as informatives to the Decision Notice to ensure the applicant has access to the information required to carry out development that may have an impact on the sewer.

**7.0 CONTACT OFFICER: John Wilson, Planner 01254 585142**

**8.0 DATE PREPARED: 1<sup>st</sup> February 2017**

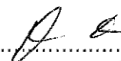
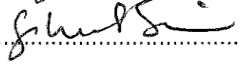
**Member Request for Referral of Delegated Item to  
the Planning and Highways Committee**

Application Reference:	10/16/1170/NEW
Application Address:	18 BROOKHOUSE CLOSE BB1
Member/s requesting referral:	Name (capitals)
	Cllr PARWAIZ AKHTAR,
	Cllr SHAUKAT HUSAIN
	Cllr
Date of Referral:	

Has the application been refused permission/withdrawn within the last 12 months?  
YES/NO

**Reason/s for Referral:**

Type of reason (choose at least one).	How that reason applies in this case.	Planning Manager's observations.
Local Plan and Guidance.		
Code of Conduct and transparency issues.		
Planning history of site is complex and as a result has a bearing on the case.	✓	Appeal decision is binding + significant material consideration
Identifiable precedent issues.		
The development is an unusual response to a particular set of site issues that warrant debate.	SIMILAR DEVELOPMENT ALLOWED NEARBY	
Other material considerations, namely....(insert in next box).		

Signed Cllr.....  
 Cllr.....  
 Cllr.....

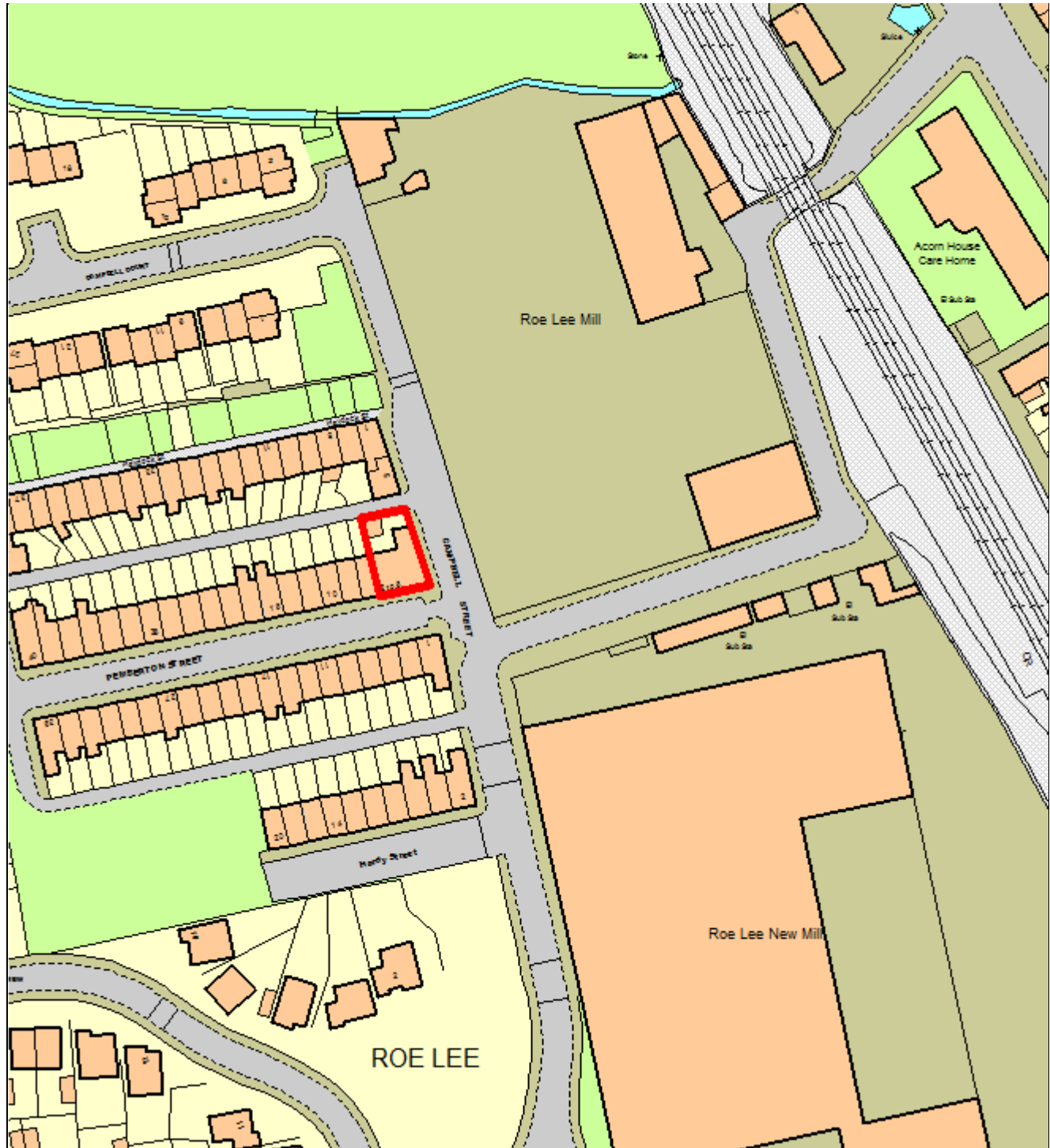
<b>Member to submit this form to:</b>	
Email -	<a href="mailto:planning@blackburn.gov.uk">planning@blackburn.gov.uk</a>
Letter -	Planning Service (Implementation Group) FAO Gavin Prescott, Planning Manager Blackburn with Darwen Borough Council Blackburn Town Hall King William Street BLACKBURN BB1 7DY

Proposed development: Full Planning Application for Change of use from a single residential dwelling to 2 single residential dwellings and retention of opening to the front door

Site address: 2 - 4 Pemberton Street, Blackburn, BB1 9AB

Applicant: Mr Kasim Ali

Ward: Roe Lee



## **1.0 SUMMARY OF RECOMMENDATION**

Item 4.3

1.1 Approve subject to the conditions below:

- Permitted Development rights removal for extensions and alterations.
- Permitted Development rights removal for conversion to a HMO.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 The key issues to be addressed are as follows:

- Location of the development.
- Impact upon design
- Impact upon residential amenity.
- Parking provision and impact of the development on the highway.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a former public house which has been converted to a single private dwelling (approved under application reference: 10/13/0414). In November 2016, the applicant applied for 'Change of use from single dwelling (nos 2-6) to two dwelling (nos 2/4 & 6). This application was approved by the planning and highways committee on 17<sup>th</sup> June 2016.

3.1.2 The property is situated on the corner of Pemberton Street and Campbell Street in Roe Lee. The converted dwelling is a two storey building with a double frontage, constructed from red brick which has been painted cream to the front and side elevations.

### **3.2 Proposed Development**

3.2.1 The proposal is for a change of use from a single residential dwelling (nos. 2-4) to two single dwellings, and retention of opening of the front door. The current scheme would result in the sub-division of the former public house into a total of 3 no. separate dwellings.

### **3.3 Development Plan**

3.3.1 Blackburn with Darwen Borough Core Strategy:  
Policy CS8: "Affordable Housing"  
Policy CS9: "Existing Housing Stock"

3.3.2 Blackburn with Darwen Borough Local Plan Part 2:  
Policy 8: "Development and People"  
Policy 10: "Accessibility and Transport"  
Policy 11: "Design"  
Policy 18: "Housing Mix"

- 3.3.3 Blackburn with Darwen Residential Design Guide (Revised September 2012). This document is used for guidance only.

### **3.4 Other Material Planning Considerations**

- 3.4.1 National Planning Policy Framework (NPPF) Section 6: “Delivering a wide choice of high quality homes”.

### **3.5 Assessment**

- 3.5.1 Principle: The existing property is a family dwelling located within a residential area. The proposed sub-division of the property is associated with an existing residential unit. As such the principle of conversion to two dwellings is considered to be acceptable, subject to other relevant policies of the Development Plan.

- 3.5.2 Design: The proposal seeks consent for the retention of an opening to No. 4. The alterations include the installation of a upvc door, the opening of which was previously bricked up. The resultant appearance is considered to reflect the character of the street scene in accordance with the Local Plan Part 2 Policy 11.

- 3.5.3 Residential Amenity: Whilst no minimum requirements are identified within the local plan policies, Local Plan Part 2 Policy 8 advises that a satisfactory level of amenity space for occupants of the development itself would be retained.

- 3.5.4 The application site relates to the previously approved scheme for the subdivision of a former public house into 2 separate dwellings. This development has now been implemented resulting in Nos. 2-4 being occupied as a single dwelling and No. 6 as a separate residential unit. The current scheme relates to a further subdivision of Nos. 2-4 to two separate individual residential units. This application unit is a 4 bedroom dwelling, served by a large yard area to the rear of the dwelling measuring 50.1 sq m. The proposal seeks to sub-divide the existing yard with a 2m boundary wall to provide adequate private amenity space for each dwelling. The resulting yard areas would be 25.sq m (to serve No.2) and 22.4sq m (No.4). As such it is considered the proposal would retain sufficient amenity space for the general use of outdoor space.

- 3.5.6 Notwithstanding the above, given the limited size of outdoor amenity areas, Members are encouraged to impose a condition removing permitted development rights should they be minded to support the proposal.

- 3.5.5 Highways: Local Plan Part 2 Policy 10 requires that the road safety and the efficient and convenient movement of all highway users is not prejudiced by development. The parking requirement for the proposal

would increase by 1 space, however there is no current provision within the curtilage for supported parking. Therefore, due consideration is given to the fact that the sub-division is contained within the existing residential unit which together with the wider area and existing terrace block is reliant upon on-street parking. As such, the proposal is considered to satisfy the requirements of Local Plan Part 2 Policy 10.

#### **4.0 RECOMMENDATION**

4.1 **APPROVE** subject to the conditions set out at 1.1 above.

#### **5.0 PLANNING HISTORY**

5.1 Planning history pertinent to this planning application are:

5.2 10/13/0414 - Change of use of former Public House Class (A4) with ancillary residential to a single residential dwelling Class (C3). Approved by the planning and highways committee on 23<sup>rd</sup> September 2016.

5.3 2015/ENQ/06631(Enforcement) – Possible use of HMO. The property was visited by the Enforcement Officer on 3<sup>rd</sup> May 2016. There was no indication of the building being used as a HMO.

5.4 10/15/1425 - Change of use from single dwelling (nos 2-6) to two dwelling (nos 2/4 & 6). Approved by the planning and highways committee on 17<sup>th</sup> June 2016.

#### **6.0 CONSULTATIONS**

6.1 8 neighbouring properties were consulted on the application. Concerns have been raised by local ward councillors that the property is being used as HMO (Housing of Multiple Occupation). A site visit to inspect the property internally was undertaken by the Planning and Enforcement Officer on Friday 20<sup>th</sup> January 2017. The visit confirmed there was no indication of a HMO use; rather the properties appeared to be used as family housing.

6.2 The proposal complies with the Councils Space Standards relating to new properties, further providing adequate amenity space. A condition would be imposed to remove permitted development for an extension to the dwelling and allowance of conversion to a C4 use (Houses in Multiple Occupation).

6.2 Highways Officer: The changes are contained within the properties – No Objection.

6.3 Strategic Housing Development: Providing the proposal complies with the minimum space standard, no objection is raised to the conversion.



**7.0 CONTACT OFFICER: Nazia Ali Rizvi ,Planner**

Item 4.3

**8.0 DATE PREPARED: 2<sup>nd</sup> February 2017**

## **SUMMARY OF REPRESENTATIONS**

From: Riley Phil (Cllr)

Sent: 17 January 2017 17:29

To: Rizvi Ali Nazia

Cc: McDonald Kate; Whittle Ron Cllr; Liddle Sylvia Cllr; True Tracey (Nee Watson)

Subject: Stanley Arms application 10/16/1321

Hi....following our conversation this afternoon, can I detail my objection to this planning application.

I am told by nearby residents that a young couple with a small child have been living in the part of the house nearest to number 8 Pemberton St for a number of weeks – they leave the building via the top door each morning between 7.30 and 8.00 and return around 5.00 pm. The residents also say that a single young boy is living next door and leaves the property by the middle door. The residents' best guess is that two upstairs flats have been created and have been lived in by a series of white people and, to my mind, this would suggest that the owner is creating an HMO.

When the building was converted from a public house to residential, there was a concern that the owner would be trying to create an HMO and the decision made at the Planning Committee made it clear that the application was being approved on condition that the converted house was only lived in by the owner and his family. The information that I have been given would suggest these conditions are being regularly breached and, therefore, my view is that this new application should be refused.

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From: Liddle Sylvia Cllr

Sent: 18 January 2017 16:33

To: Planning

Cc: Whittle Ron Cllr

Subject: Re:- Stanley Arms Application no 10/16/1321

I write to express my concern about the new planning application for the former Stanley Arms Public house. An application was granted some considerable time ago to convert the former Public House into a dwelling and I'm sure that a condition was made at that time, stating the converted house was only to be lived in by the owner and his family; (please confirm I have got this correct?).

I have been informed by residents who live in close proximity about various works taking place; (mention of several outside doors have been referred to?). It is said that a couple with a small child leave the house each day before 8am



and return at tea-time about 5pm. I was also informed that a single boy appears to be living next door and leaves the property (referred to by the 'middle door').

It is being suggested that there have been two upstairs flats created (AND, lived in, by a series of white people over a period of time). All this leads me to believe that this dwelling has become/or will become a HMO!

Should this prove to be correct, then there has been a flagrant breach of the planning condition! Therefore, I urge you to refuse the application and place on record my strong objection to the above application.

I appreciate that the information is being provided 'second hand' but I have no reason to doubt the veracity of the residents who contacted me.

Kind regards,  
Sylvia

Cllr Sylvia Liddle JP  
Roe Lee Ward

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From: Whittle Ron Cllr  
Sent: 18 January 2017 16:43  
To: Planning  
Cc: Liddle Sylvia Cllr  
Subject: Stanley Arms Application no 10/16/1321

Planning,

Given what has already been said by Sylvia and Phil and what I have heard myself from local residents, I would also ask that you refuse this application.

Councillor Ron Whittle  
Roe Lee Ward

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**ORIGINATING DIVISION:** HIGHWAYS AND TRANSPORTATION  
CAPITA

**REPORT TO:** BLACKBURN WITH DARWEN BOROUGH COUNCIL  
PLANNING AND HIGHWAYS COMMITTEE <sup>Item 5.1</sup>

**DATE:** 16<sup>th</sup> February 2017

**TITLE:** OBJECTION – Proposed TRO Batch 03 16

**WARD:** Sunnyhurst

**COUNCILLORS:** Pete Hollings  
Dave Smith  
Brian Taylor

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### 1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of the receipt of one letter of objection to one element of the Proposed TRO Batch 03 16 being:-  
Barley Bank Street, Darwen.....Prohibition of Waiting

### 2.0 BACKGROUND

#### **Barley Bank Street, Darwen**

Junction protection has been requested by residents of Alexandra View, Darwen. This would take the form of double yellow lines at the junction of Alexandra View and Barley Bank Street to enable drivers to emerge from that road safely. This proposal would be indirectly in front of one home, but they would retain 'gable end' parking adjacent. The proposed restriction on the east side of Barley Bank Street with the junction of Alexandra View would not directly affect properties other than those on the opposite side of the street who enjoy on street parking directly outside their homes.

### 3.0 DETAIL

Approval to advertise this proposed Traffic Regulation Order was given at the Regeneration SPT meeting in June 2016 and this was advertised on 27<sup>th</sup> October 2016. Following advertising, a letter of objection was received from a resident of Barley Bank Street.

The objector is concerned about the resultant loss of on street parking which she feels will cause drivers to then park at a point on Barley Bank Street where children cross on their way to and from school.

*By implementing the order you will be increasing the parking spaces on Barley bank Street by 3 or 4 spaces, as we already have 30 cars for 24 houses this will cause people to park on the blind bend leading onto Durham Road. This is the main crossing point for children going to and from the school on Durham Road morning and afternoon.*

This proposal is intended to prevent parking at a junction where visibility is compromised due to indiscriminate parking. The proposal will introduce a restriction which will reinforce Highway Code advice that one should not park opposite or within

10 metres of a junction. Although there will be a resultant loss of approximately 2 vehicles parking spaces on Barley Bank Street those residents on the corner of Barley Bank Street and Alexandra View will be able to park at their gables on Alexandra View. It is unlikely that this proposed restriction will lead to more dangerous parking on Barley Bank Street and visibility at the junction of Barley Bank Street and Alexandra View will be improved. Officers' recommendation therefore is to make the order as advertised.

#### 4.0 IMPLICATIONS

<b>Customer</b>	Amenity
<b>Financial</b>	The costs of implementing the scheme will be met from the Traffic budget
<b>Anti-poverty</b>	None
<b>Crime and Disorder</b>	None

#### 5.0 RECOMMENDATION

It is recommended that the Committee recommends that the Executive Member support the officer recommendations that:-

- The objection is overruled.
- The Order is made as advertised.
- The objectors are informed of the decision.

<b>6.0</b>	<b>BACKGROUND PAPERS:</b>	Letter of objection Plan
<b>7.0</b>	<b>CONTACT OFFICERS:</b>	Gina Lambert
<b>8.0</b>	<b>DATE PREPARED:</b>	1 <sup>st</sup> February 2017

03 16

H BRINDLE  
54 BARLEY BANK ST  
DARWEN. BB3 1NW  
TEL 01254 704328

5<sup>th</sup> NOV 2016

NO WAITING AT ANY TIME. / OBJECTION

Dear Sir

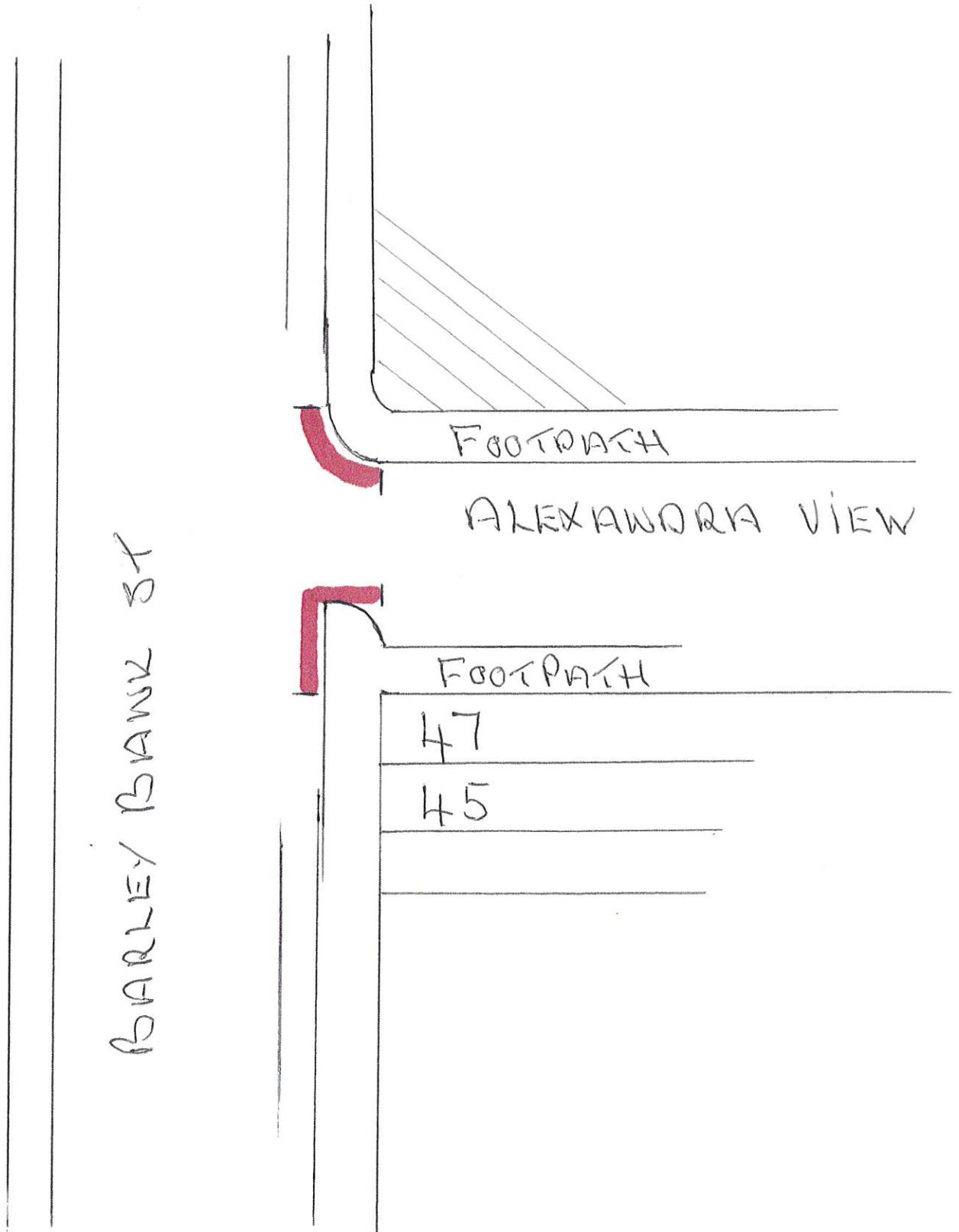
By implementing the above order you will be increasing the parking spaces on B/B St by 3 or 4 spaces, as we already have 30 cars for 24 hours this will cause people to park on the Blind Bend leading onto Durham Rd. This is the main crossing point for children going to and from the school on Durham Rd morning & afternoon

Sincerely H Brindle

5<sup>th</sup> NOV 2016

IF THIS "MUST" GO AHEAD PERHAPS THIS IS A BETTER ALTERNATIVE

H Brindley





Google Maps Barley Bank St



Image capture: Jun 2011 © 2016 Google

Darwen, England

Street View - Jun 2011



**ORIGINATING DIVISION:** HIGHWAYS AND TRANSPORTATION  
CAPITA

**REPORT TO:** BLACKBURN WITH DARWEN BOROUGH COUNCIL  
PLANNING AND HIGHWAYS COMMITTEE <sup>Item 5.2</sup>

**DATE:** 16<sup>th</sup> February 2017

**TITLE:** OBJECTION – Proposed Pay and Display Parking  
Atlas Road and Railway Road Car parks

**WARD:** Sunnyhurst

**COUNCILLORS:** Peter Hollings  
Dave Smith  
Brian Taylor

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### **1.0 PURPOSE OF THE REPORT**

The purpose of the report is to advise the Committee of the receipt of one letter of objection to the proposal to commence charging on Atlas Road Car Park.

### **2.0 BACKGROUND**

Darwen Town Centre is free to park and operates on a variety of time limited car parks and on-street parking bays. There are 11 Council owned car parks within the town centre which provide 450 off-street parking bays and in the region of 120 on-street parking bays.

The off-street Council owned car parks are all free to park all day apart from the Markets car park which has a time limit of 3 hours with no return in 4 hours. The majority of on-street parking bays are 1 hour with no return in 2 hours, although some bays operate longer than this.

Railway Road car park and Atlas Road car park are located adjacent to Darwen Railway station and are used predominantly by rail users.

A recent survey showed that the car parks were virtually full before 8.30am with most users using the rail network to access Blackburn, Bolton or Manchester. It is proposed that these two car parks are changed from free unlimited parking to chargeable Pay and Display.

Railway Road car park has 60 spaces and Atlas Road car park has 43 spaces, as a result, a total of 103 spaces currently operate on unlimited free parking. The area surrounding these two car parks is mainly business and residential parking, where the vast majority of parking on-street is free, with some bays on Railway Road being time limited bays of 1 hour maximum with no return in 1 hour.

Charging for use of these car parks will bring these car parks in line with other car parks in the Borough which are used by rail users. All other parking and car parks within Darwen Town Centre will continue to be free.

Approval to advertise this proposed Traffic Regulation Order was given at the Regeneration SPT meeting in November 2016 and this was advertised on 5<sup>th</sup> January 2017. Following advertising, a letter of objection was received from an employee of a neighbouring business. Item 5.2

The objection is based on the fact that the objector and several colleagues park on the Atlas Road car park while they are at work. The objector states that:-

*Minerva Crafts only has a small car park, this is for customers only and not for the workforce, therefore at least 7 members of staff use the Atlas Road car park. ....this will be a big expense out of our minimum wage if parking charges are to be applied.*

The objector also asks if parking permits can be issued for local businesses.

Whilst the Council has sympathy with workers who will lose the benefit of free parking whilst at work, it is not their duty to provide this. There are other car parks in the town centre e.g. Knott Street which provide free parking. The objector and colleagues will need to seek parking elsewhere if they do not wish to pay car park charges. It is not possible to provide permit holder parking in this circumstance as the area does not meet the criteria. It is proposed therefore that the order be made as advertised and the objection be overruled.

#### **4.0 IMPLICATIONS**

<b>Customer</b>	Amenity
<b>Financial</b>	The costs of implementing the scheme will be met from the Parking Services budget
<b>Anti-poverty</b>	None
<b>Crime and Disorder</b>	None

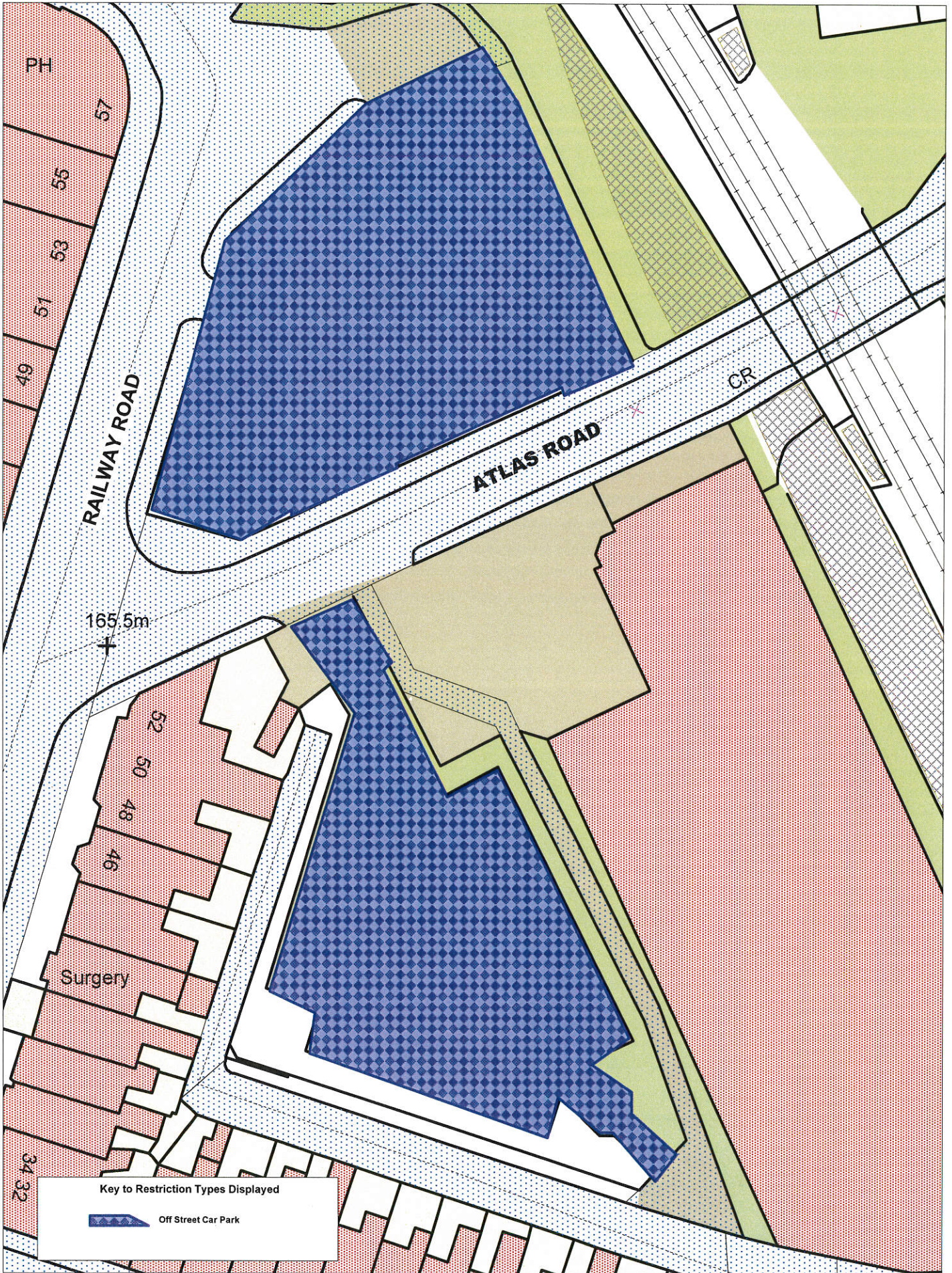
#### **5.0 RECOMMENDATION**

It is recommended that the Committee recommends that the Executive Member support the officer recommendations that:-


- the objection is overruled.
- The Order is made as advertised.
- The objectors are informed of the decision.

<b>6.0 BACKGROUND PAPERS:</b>	Letter of objection Plan
<b>7.0 CONTACT OFFICERS:</b>	Gina Lambert
<b>8.0 DATE PREPARED:</b>	31 <sup>st</sup> January 2017





Key to Restriction Types Displayed

 Off Street Car Park

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SCALE	1 : 500
DATE	31/10/2016
DRAWING No.	
DRAWN BY	