

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

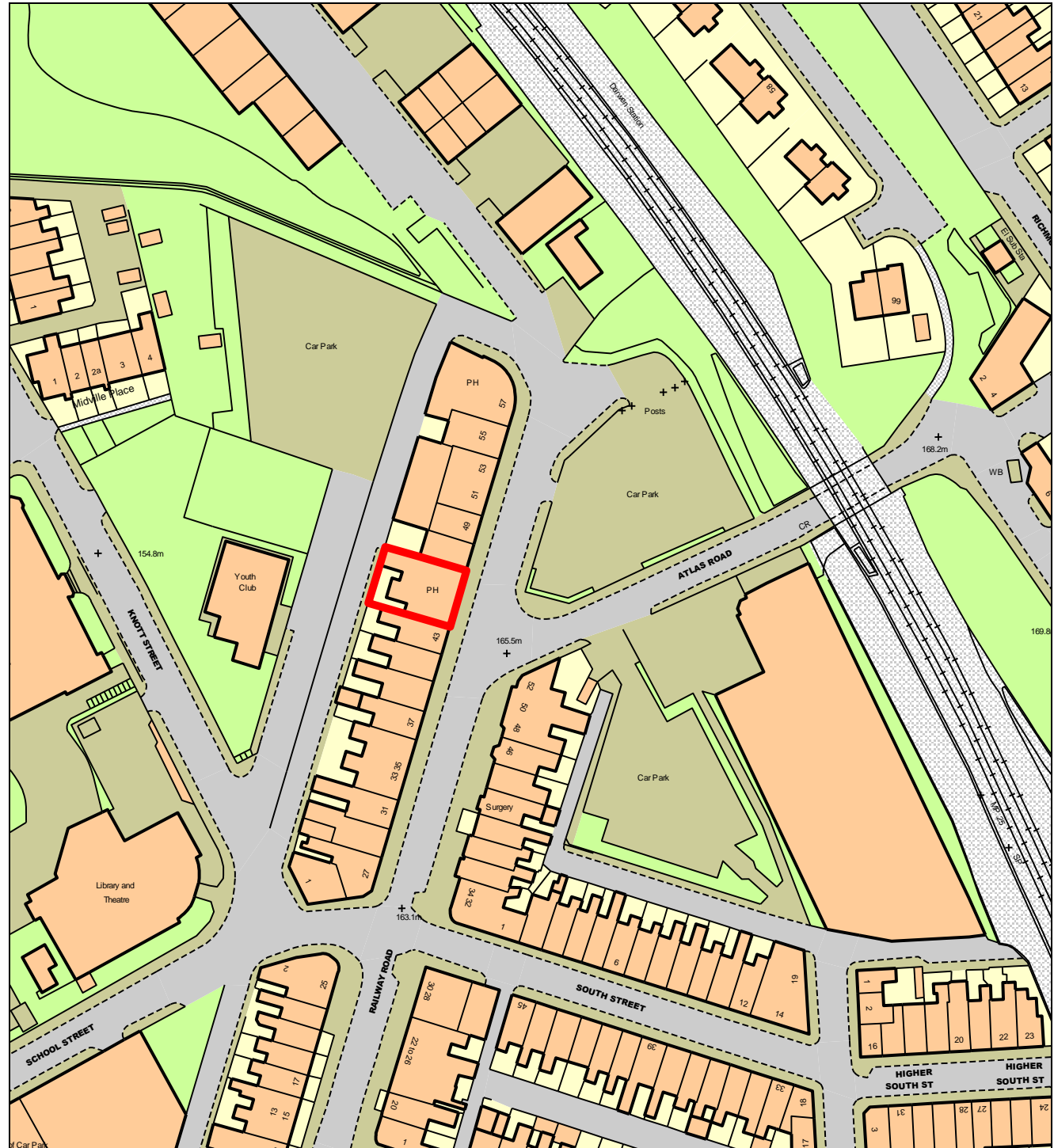
Applicant: Mr Manir Ahmed

Ward: Sunnyhurst

Councillor Dave Smith

Councillor Brian Taylor

Councillor Pete Hollings



1.0 SUMMARY OF RECOMMENDATION

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

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

- 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 3rd 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:

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

6.1.2 A petition supporting the development was received on 18th November 2016 and presented to the Planning and Highways Committee on 15th 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:

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: 3rd February 2017

SUMMARY OF REPRESENTATIONS

Cllr Brian Taylor, Sunnyhurst Ward Councillor
Sent: 28th 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

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

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 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

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.
