

**REPORT OF THE DIRECTOR**

**Plan No: 10/16/1320**

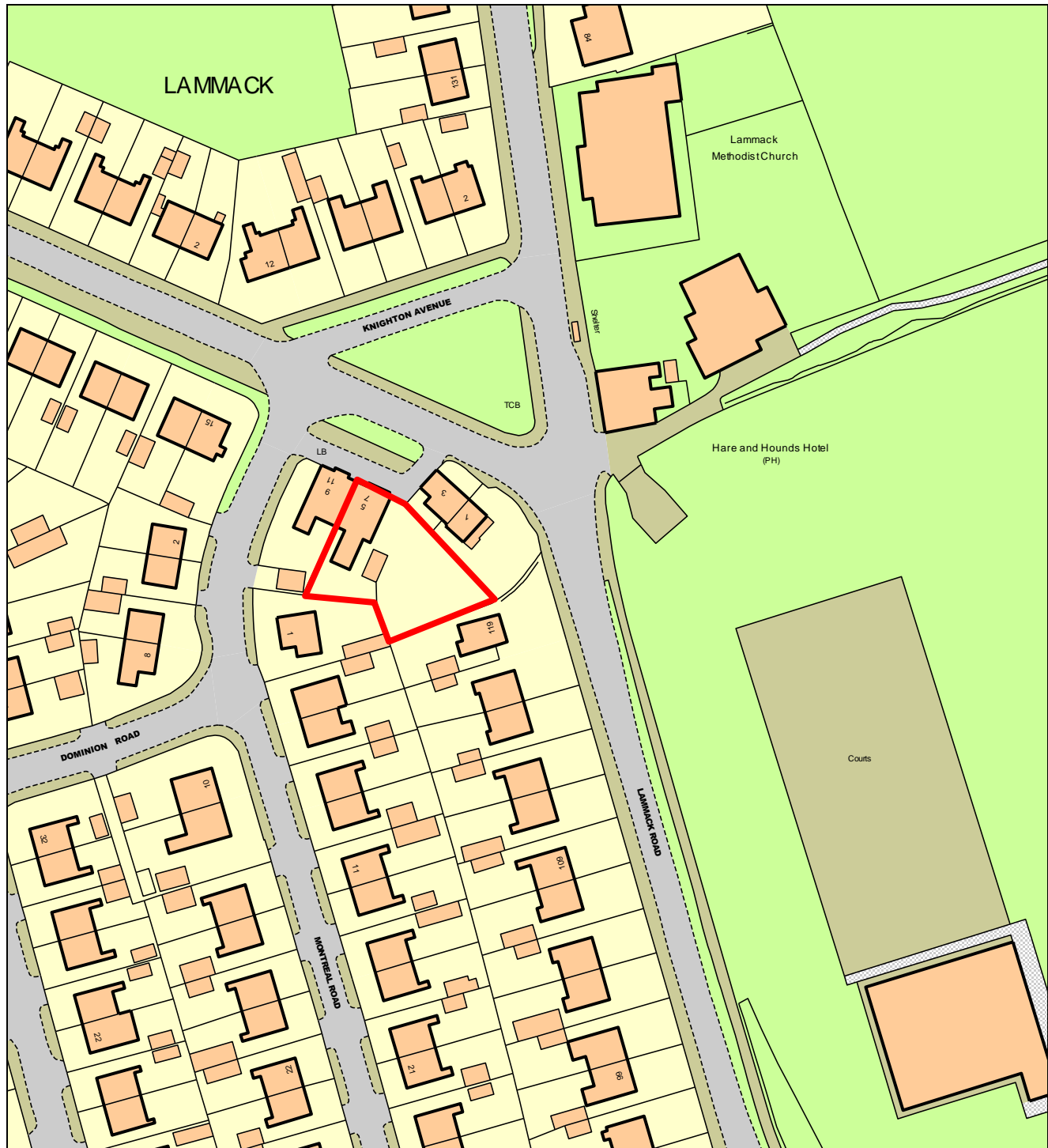
**Proposed development: Full planning application (retrospective) for change of use from flat to prayer facility (retrospective) including associated car park.**

**Site address: Flat, 7 Whinney Lane, Blackburn, BB2 7BX**

**Applicant: Lammack Community Foundation**

**Ward: Beardwood with Lammack**

Councillor Michael Lee	
Councillor Julie Daley	
Councillor Imtiaz Ali	



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – subject to conditions**

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

2.1.1 The proposal is to provide an Islamic prayer facility to the meet the needs of the local community, who reside in the surrounding residential neighbourhood.

2.1.2 The key issues to be addressed are as follows:

- Principle of development
- Impact of the development upon neighbouring residential uses
- Parking provision and impact of the development on the surrounding highway network.

2.1.3 The proposal lies within the urban boundary of Blackburn, in an area predominantly characterised by residential uses. Accordingly, beyond consideration towards the principle of the use, careful consideration has been applied towards the impact of the use against residential amenity, due to the potential for on street noise disturbance arising from attendees arriving and leaving the facility and internal noise from the prayer activity. Assessment in this regard is based on the submission of a supporting 'Environmental Noise Assessment' which has taken into account associated noise levels and the need or otherwise for the introduction of mitigation measures.

Impact on the surrounding highway network has also been afforded due consideration, aided by the submission of a supporting highway's statement which addresses parking, access and servicing.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site is the first floor of a semi-detached property and associated outdoor amenity space to the side. It is located to the south west of Whinney Lane, Blackburn, within the Blackburn urban boundary; as defined by the adopted Site Allocations and Development Management Policies Map. The property comprises a ground floor pharmacy and first floor flat and is attached to a two storey dwellinghouse.

3.1.2 The surrounding area is characterised by prevailing residential uses, punctuated by a range of community uses, including a school, public house, amateur football/social club, a church and the aforementioned pharmacy.

## **3.2 Proposed Development**

- 3.2.1 Retrospective planning permission is sought for the change of use of the first floor flat to a prayer facility (use class D1), which sits above an existing ground floor pharmacy. An existing outdoor amenity/garden space to the eastern flank of the building is proposed to accommodate 9no. parking spaces, including a single disabled space. Access will be taken from an existing gated entrance to the site.
- 3.2.2 The application emphasises that the prayer facility will cater for a small number of local residents, to allow for prayers in the afternoon and evenings during winter months and also the early mornings during summer months. Hours of use are between 07:00 and 22:00.
- 3.2.3 The rationale is to provide an appropriate yet small scale facility to serve the local community, ensuring they don't have to travel further afield. The typically busy Juma (Friday lunchtime prayer) is not proposed, nor are ceremonial events; distinguishing the use from a typical mosque. Education (Madrassa) is not proposed.
- 3.2.4 The unauthorised use as a prayer facility has taken place since approximately April 2016 and continues to date. The submission of this application has arisen as a result of the intervention of the Council's Planning Enforcement team.
- 3.2.5 The following amendments and additional information have been received during the course of assessing the application;
- Amended operating hours from between 16:00 and 19:00 to 07:00 and 22:00.
  - Environmental Noise Assessment;
  - Amended car parking layout, including associated manoeuvring space;
  - Supplementary statement to the Traffic Statement.
- 3.2.3 The assessment presented to the Committee is based on the original submission and the above amendments/additional 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; the following of which are considered the most relevant:

### 3.3.2 Core Strategy

- CS1 - A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS17 – Built and Cultural Heritage

### 3.3.3 Local Plan Part 2.

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

### **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 NPPF (para 70) emphasises the need to plan positively for the provision of community facilities; including cultural buildings and places of worship, to enhance the sustainability of communities and residential environments and to ensure an integrated approach.

3.5.3 The promotion of sustainable transport is also a key focus of NPPF which emphasises the aim of achieving a balance of land uses within an area, so as to encourage people to minimise journey lengths for employment, shopping, leisure, education and other activities (para 37).

3.5.4 Core Strategy Policy CS11 supports the expansion and enhancement of the range and quality of public services in 'accessible locations' and supports the creation of 'community hubs' to provide a range of services in one place.

3.5.5 The application site is located within the defined urban boundary of Blackburn, in a predominantly residential area sporadically populated with supporting community uses, including the pharmacy, a public house, a football/social club, a church and a primary school. All lie within circa 100 metres of the application site. Collectively, therefore, the existing uses and the proposed use accords with the 'community hub' aspiration of the Core Strategy in a highly sustainable location.

3.5.6 Accordingly, the principle of the proposal is considered appropriate; in accordance with local plan policies and NPPF's presumption in favour of sustainable development, which should proceed without delay, and its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

### 3.5.7 Impact Upon Residential Amenity

3.5.8 Local Plan Part 2 Policy 8, amongst other criteria, requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise and privacy.

3.5.9 The use is described as a 'prayer facility' to serve the localised Islamic community and is distinguished from a Mosque by the limitation on hours of use to between 7am and 10pm, the omission of Friday lunchtime prayer (Juma), recognised as the busiest and most important prayer of the weekly calendar, the absence of an employed religious leader (Imam) at the site and no ceremonial events.

3.5.10 The limited hours of use is recognised as allowing five daily prayers during the winter months, in accordance with sunrise and sunset. Prayers during the summer months are limited to the scope of the proposed hours of use.

3.5.11 As a facility to serve the local community, in the absence of similar within a reasonable walking distance, it will cater mainly for afternoon and evening prayers. Morning use is acknowledged during the winter months, beginning around 07.00-07.15. Numbers will be limited to a maximum of 30 users, dictated by the limited floor space available and will be confined to the first floor. The second floor roof space is omitted and will not be used.

3.5.12 Estimated number of users at any one time is approximated at 8, though assessment is based on the maximum of 30.

3.5.13 Primary concern towards the impact on amenity relates to the prevailing residential character of the location and degree of disturbance created by attendees of the use, in terms of numbers and means of transportation. To this end, a pre-determinative acoustic assessment was undertaken, which concluded no nuisance arising from internal noise but the likelihood of some disturbance from attendees arriving and leaving the premises, though recognised as insignificant.

3.5.14 The Council's Public Protection team have reviewed the assessment and offer no objection, subject to the imposition of appropriate control measures through application of the following conditions:

- Controlled hours of use between 07:00 hours to 22:00 hours
- No Juma (Friday lunchtime prayer).
- No amplified broadcast of call to prayer.
- Restriction to the use applied for.
- No permitted use of the 2<sup>nd</sup> floor roof space.

3.5.15 The householder of 1 Whinney Lane has raised objection to the proximity of the parking area to kitchen windows to the rear of the house and resultant loss of privacy. Whilst this is acknowledged, it is not considered that a car park will give rise to excessive loss of privacy beyond that experienced from the existing use of the area as amenity/garden space.

3.5.16 Subject to the above conditions, it is considered that the development will not excessively erode pre-existing levels of residential amenity; in compliance with Local Plan Policy 8.

#### 3.5.17 Parking provision and Impact of the Development on the Highway

3.5.18 Local Plan Part 2 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking.

3.5.19 The application site is readily accessible. Off street car parking is proposed within the outdoor space to the eastern flank of the pharmacy, which is currently acknowledged as redundant amenity/garden space.

3.5.20 The proposed car park demonstrates 9 parking bays, including 1 disabled bay and associated manoeuvring space. Access is through an existing gated entrance.

3.5.21 The Local Highways Authority acknowledge the access arrangements as adequate, requiring no alteration to sightlines, given the access is taken from an unadopted highway/drive which has unrestricted movement.

3.5.22 The parking requirement, based on the 120sqm of occupied floor area against 1 space per 10sqm, equates to 12 spaces. The first submission of a car park layout demonstrated the requisite number of spaces but a shortfall in their required size. A revised parking layout reduces the number of spaces originally proposed from 12 to 9, but increases size of the spaces to adhere to the 6m standard and provides additional manoeuvring space.

3.5.23 Notwithstanding the reduction in the number of spaces, Highways Authority are satisfied with the proposal and offer no objection, subject to application of the following conditions:

- Requirement for the car park to be appropriately marked out.
- Provision of covered cycle and PTW spaces.

3.5.24 Subject to the above conditions, it is considered that the development provides sufficient off street parking and will not prejudice highway users; in compliance with Local Plan Part 2 Policy 10.

## **4.0 RECOMMENDATION**

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

- Hours of use to be restricted to between the hours of 07:00 – 22:00.
- No Juma (Friday lunchtime prayer).
- No external call to prayer.
- Restrict to the use applied for and for no other use within Use Class D1.
- No permitted use of the 2<sup>nd</sup> floor roof space for prayer or education.
- Details of a scheme for the laying out of the car park to be submitted for approval within 28 days of planning permission being granted and implementation of the approved scheme within 28 days of it being approved.
- Details of covered cycle and PTW spaces to be submitted for approval, within 28 days of planning permission being granted and implementation of the approved scheme within 28 days of it being approved.

## **5.0 PLANNING HISTORY**

5.5.1 None

## **6.0 CONSULTATIONS**

6.1.1 72 neighbouring properties were consulted by letter and 2 Site Notices were displayed. 8 letters of objection have been received and 18 letters of support received.

6.1.2 The material planning considerations referred to in the letters of objection are summarised as follows:

- Increase in traffic and inadequate parking provision
- Noise
- Privacy (1 Whinney Lane)

6.1.3 Summary of public representations

### **Supports**

Ahmed Eid , 38 Willow Trees Drive Blackburn

I am writing to you in regards to the planning permission submitted by the Lammack Community Foundation in relation to using Flat 7 Whinney Lane as a place of worship for our daily prayers.

I would like to express how beneficial and convenient to have a close

place to pray my daily prayers, especially after work where I can walk and I don't have to use my car . Also, It would be a great opportunity to meet and socialise with my neighbours on the weekends.

I really hope you take into consideration my genuine needs and will to do good in our community.

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Imran Bargit

8 Alberta Close

I am emailing to show my support for the planning permission requested for 7 Whinney Lane in order to use it as a place of prayer. We have a large growing muslim community in the lammack area and a prayer are is desperately required.

I hope this plan is past and I give my full support behind it.

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Mr K Hussain

103 Lammack Road Blackburn

I think this is a fantastic idea and happily invite the planning application to be passed.

The area is in need of a prayer room and this would be the ideal location especially with a church and pub within close proximity and promoting multi faith.

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K Javed

73 Whinney Lane

I am very pleased to know about the change of use about Flat 7 Whinney lane. I use the Facility every day and being on a walking distance its a pleasure not to use my car to go further afar.

All thumbs up from me.

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M Patel 14 Montreal Road

I write in favour of the new application for change of use of the above address.

I think this is a great idea. As a resident from the nearby street on Montreal Rd - i think this will be brilliant, as we have a church across the road and now a new potential place of worship for the Muslims. This shows the great bond we have in the community as a multicultural and a multifaith area in which we live in. This will also promote more community spirit if this is to happen as those who are in favour of this



will feel the unity and bond has come from everyone in the community to allow this.

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Imraan Rawat

23 Whinney Lane, Lammack

I would like to welcome the use of a prayer facility to the Lammack area. The local muslims which attend the facility has made very good relationships with the local neighbours, the Lammack Methodist Church and the Hare & Hounds pub. They are continually working towards bringing the Lammack community together. I haven't noticed any disturbance and inconvenience in regards to noise and car parking.

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Mr. Zaahid Bax  
9/11 Whinney Lane

I'd like to express my full support for the planning application to convert the flat at 7 Whinney Lane to a prayer facility.

I live next door to the afore mentioned property (my address : 9-11, Whinney Lane). Ever since the 7 Whinney Lane flat has been used as a prayer facility (around 6 months) which included the ramadaan period, the worshippers have never done anything that could disturb or annoy my household. I have not heard any noise related disturbance nor have the worshippers caused any inconvenience of any kind. Neither have they caused any parking related issues (at any one time only 2 worshippers come in cars max).

In fact the store below the flat (Pharmacy and inconvenience store) has more constant daily traffic, noise and people related disturbance - not to forget the pub across the road where especially on Friday's and Saturday's, each week, loud music is played well beyond midnight - and I can hear the noise in my property. The flat at 7 Whinney Lane, even being next door, hasn't caused any such disturbance.

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Zubeir Patel  
3 Willow Trees Drive

I am writing this email to show support in favour of this application. The Lammack Community Foundation has been striving to create an engaging neighbourhood and have generated strong links with the methodist church and the hare and hounds pub. Using a base at Whinney lane will help advance this by making it a focal point for all. The community as a whole shall benefit from this facility.

I have no objection for the flat to be used as a prayer facility and I do sincerely hope that the planning officers look favourably at the application and grant it the change of use permission that the Lammack muslim community has

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## **Objections**

Mrs. Doreen Hunt, 17 Quebec Road, Lammack

I am concerned to learn of the application for 'change of use' for Flat 7, Whinney Lane.

The reasons for my concern are:

1. The property is on a small car park which serves the Lammack Pharmacy, and another private property. I believe it could not take more than 5- 6 cars. People are using the little car park frequently as they use the Pharmacy and shop. Entry and exit need to be executed with extreme care as it is on a corner with cars accessing it from Lammack Road.
2. The property is opposite the Lammack Methodist Church, which already has problems with their own car parking requirements. Also opposite is the Hare and Hounds Public House which frequently have 'gigs' on.
3. During school times the roads around this area ( Lammack Road, Whinney Lane, and roads off) become very congested.

I do not believe that everybody using the proposed Prayer Room would walk to the property as I know that not everybody using the Methodist Church walk to the Church.

As Prayer Rooms are used quite frequently I am sure this would add further to the congestion.

I am aware that there are many Mosques and Prayer Rooms in Blackburn and I fail to see why another is needed in this entirely unsuitable location.

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Gary Oddie 1 Whinney Lane

1. The area sought for parking to the rear of my property is as close as 2.8 metres from my back wall and kitchen. This wall incorporates 2 windows for light into the kitchen. If cars were allowed to park there, it would –

a) represent a serious and unreasonable invasion of privacy.

b) it would create an unreasonable level of noise and activity – also at totally unsociable times ie upto and probably beyond 2200hrs 365 days a year.

c) There are already issues with cars parking for the shop at no 5 Whinney Lane and additional traffic going in and out of a single drive access of the proposed car park, is going to make a bad situation worse. I witness daily the traffic and

dangerous speeds cars already come around the bend to the front of my house. Extra traffic in this area is an accident waiting to happen.

d) should any form of a raised wall or fence being put up on the boundary line behind my cottage, it would result in a serious reduction in natural light into my kitchen.

e) at a meeting held at flat 7 for residents – the people running the meeting assured residents that there would be no increase in cars, as the people using it as prayer room were local and has been told not to bring cars. There was even a sign conveniently on show in flat 7 saying for people not to bring their car. This was clearly a blatant lie.

The area is a predominantly a residential area and it should be kept that way. The proposed plans in my opinion are totally unreasonable and should be rejected out of hand.

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Mr and Mrs Hook  
17 Montreal Rd

I would like to register my objection to the above application. All the local residents have been aware of the premise's usage throughout the summer months. It is fair to say that generally - because of weather conditions, traffic has not been a problem. However, there have been two occasions, when weather was inclement, that the users of the Prayer room used their cars. On both of these evenings my husband and I returned to our home in Montreal Rd to find the whole road was totally blocked with cars. We could JUST get in to our drive, because of the problem parking, but the friends who were driving behind us actually had to go and park on Quebec Rd and walk back. On Monday 5th Dec I returned from a shopping trip at around 1pm. There were 3 cars parked on either side of the entrance to Montreal Rd, reduced the road to 1 lane traffic. People were coming out of the Prayer Room and moving other cars from further up the road to exit Montreal Rd. This meant I was unable to do a left turn in to the road. There was a van parked behind me and several other cars. By the time I had waited for 5 cars to come out of the 1 lane available, traffic behind me was backing out on to Lammack Rd.

My concern is that as the weather worsens during the winter months more and more of the men attending the centre will use cars rather

than walk. I have counted as many as 19 people leaving the building on one occasion and 14 on another. Usually though they do come out in smaller groups. However, that doesn't stop the problem that if many of them have driven there will be parking problems. Baring in mind the room is being used throughout the day for the required prayer times, and baring in mind we already have mega parking problems during the day because of the local school, I cannot see that this would do anything other than worsen the situation.

We are led to believe that we now have in excess of 50 Mosques in Blackburn. Most would have been granted planning permission with parking facilities, should we not be encouraging people to use the great facilities they already have rather than causing problems in an already congested residential area. I know that people will always say they will walk locally- I also know what I myself would do if it was pouring down or freezing cold. With the best will in the world, most of us will take the easy option, and once planning permission has been,there will be no going back.

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Rose Clayton  
22 Montreal Road

I would like to object to the above application

During the recent clement weather there has not been any concern over parking at the location.

However, during poorer weather conditions i.e when raining there is a noticeable increase in the number of cars parked in the vicinity. This adds to the congestion as there is already considerable traffic due to the local school.

The usage of the facility has increased and there have been up to 19 people attending at any one time. Surely this also creates a health and safety risk I sincerely hope that you consider this objection seriously from a concerned local resident

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Tommy Temperley  
3 Whinney Lane

My main concern is parking as there is a shop below the proposed prayer room which is busy with cars. Also i live next door to the shop and i am disabled and need to park outside my house i have a blue badge and applied for a disabled bay but was refused as it was on dangerous corner.

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Chris Eggleston,  
19 Quebec Road, Lammack,

I wish to put forward my complaint on the change of usage to No 7 Whinney Lane, Blackburn, from residential flat to a mosque. My reasons for this are listed below.

1. It would I am sure cause traffic chaos, as there are only room for 4/5 cars for customers to the shop on the frontage of the shop and flat and one house. There are double yellow lines on the entrance to Whinney Lane, where will the worshippers go? The Hare and Hounds car park, Lammack Road which is already congested, Montreal Road which is already congested.

2. Are we as residents to be subjected (possibly) to the odious music on calling to prayer five times a day seven days a week who can say?

3. I have lived in my bungalow for the last 48 years and I have to say that it was one the most desirable areas to live in Blackburn, and I for one do not want to be confronted with another mosque, after all there are 47 official mosques and possibly 2,000/3,000 unofficial mosques, so why do we need any more in a town that really is average in size!!

4. I resent the presence of a religion of this kind that I find at odds with, and I do not feel comfortable with this situation in the area that I live.

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6.1.4 Public Protection – Concern raised towards impact on residential amenity, in terms of hours of use and associated noise. Following appraisal of requested Environmental Noise Assessment, no objection offered, subject to the application of aforementioned conditions

6.1.5 Highway's Authority – no objection offered, subject to the application of aforementioned conditions.

**7.0 CONTACT OFFICER: Nick Blackledge, Assistant Planner - Development Management**

**8.0 DATE PREPARED: 12<sup>th</sup> April 2017.**