

Planning and Highways Committee

Thursday, 15 March 2018

18:30

Meeting Room A, Blackburn Town Hall

AGENDA

PART I: ITEMS FOR CONSIDERATION IN PUBLIC

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| 2 | Minutes of the Previous Meeting | |
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| 3 | Declarations of interest | |
| | <i>If a Committee Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Democratic Services at least 24 hours before the meeting</i> | |
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PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

Date Published: Tuesday, 06 March 2018
Harry Catherall, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
15th FEBRUARY 2018

PRESENT – Councillors; Dave Smith (in the Chair), Ali, Brookfield, Casey, Hardman, Hussain I, Jan-Virmani, Khan Z, Khonat S, Mahmood Q (substitute for Cllr Groves) Murray, Nuttall, Oates, Riley, Slater Ja.

OFFICERS – Gavin Prescott (Development Manager), (Safina Alam (Highways Development Control Engineer), Rabir Saghir (Legal) and Wendy Bridson (Democratic Services).

RESOLUTIONS

48 **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Cllr Groves.

49 **Minutes of the last Meeting held on 18th January 2018**

RESOLVED – That the minutes of the last meeting held on 18th January 2018 were confirmed and signed as a correct record.

50 **Declarations of Interest**

Cllr Mahmood declared an interest in Item 4.1 – Planning Application 10/16/0827 (Time House), having submitted a Members Referral for the application therefore pre-judgement having been made.

Ian Richardson declared an interest relating to Planning Application 10/17/1378 (Land at Tower Road), being Director of Growth & Development and Regional Director at Capita.

51 **Planning Applications**

The Committee considered reports of the Director of Growth and Development 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>Applicati on No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and</u>
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			<u>Regulations</u>
At this point Councillor Quesir Mahmood left the room due to the declaration of interest made in relation to 10-16-0827			
10-16-0827	Elliot Investments Ltd	Time House, 15 Devonport Road, Blackburn, BB2 1EG Full Planning Application for Conversion of existing building to 18 No. residential apartments (C3)	Approved subject to the conditions outlined in the Director's Report.
At this point Councillor Quesir Mahmood was invited to re-join the Committee			
10-17-1313	Mrs Cheryl Wood, McDermot Developments Ltd	Land to the West of Cranberry Lane, Darwen Full Planning Application for; Residential development comprising 138 no. dwellings, landscaping, drainage, associated highway works, substation, infrastructure and engineering works and demolition of existing house. Cllr Neil Slater spoke against the application.	Approved subject to the conditions outlined in the Director's Report and Update Report with a further additional condition that prior to commencement of development, slab levels and cross section drawings shall be provided relating to the plots adjacent to the existing dwellings on Cranberry Lane and Martin Drive and agreed in writing by the LPA. The development shall be constructed in accordance with the approved details and retained thereafter.
10-17-1378	Capita	Land at Tower Road, Blackburn, BB2 5LE Outline planning application with all matters reserved for residential development (up to 30 dwellings); demolition of existing buildings and associated works including bat mitigation measures.	Approved subject to the conditions outlined in the Director's Report and Update Report.

52 Letter to Secretary of State for Housing, Communities and Local Government regarding fees relating to retrospective planning applications

A report was submitted seeking approval from the Members for a letter to be sent to the Secretary of State requesting a review be undertaken regarding the introduction of allowing local planning authorities to impose additional fees on retrospective planning applications.

RESOLVED – That the Committee:-

- 1) Note and approve the content of the letter;
- 2) Agree for the letter to be sent to the Secretary of State for Housing, Communities and Local Government with immediate effect; and

3) Agree for the letter to be sent to both local MPs

53 Stopping Up of Part of Fishmoor Drive, Blackburn and Surrounding Paths and Streets

A report was submitted informing Members of the receipt of a request by the Highways Team for the Council to progress an Order for the Stopping Up of parts of Fishmoor Drive, Blackburn and path and roads off and to ask Members to authorise the Director of HR Legal and Corporate Services to apply to the Magistrates' Court for the necessary Order as per the plan attached to the report.

RESOLVED – That the Committee authorise the Director of HR, Legal and Corporate Services to progress with the closure of parts of the streets listed in the report and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

54 Exclusion of the Press and Public

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

55 Enforcement Update

A report was presented to Members with an overview on Planning Enforcement matters. The list of cases included in the report was in the main, a list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry being dealt with.

RESOLVED – That the Committee note the report.

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

MATERIAL:	NOT MATERIAL:
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 GROWTH & DEVELOPMENT

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, Development 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: 15/03/2018

Application No	Applicant	Site Address	Ward
10/17/1173			
	Beardwood Muslim Worship Group 55 Beardwood Brow Blackburn BB2 7AT	55 Beardwood Brow Blackburn BB2 7AT	Beardwood

Full Planning Application for Change of use from dwelling to local prayer facility (Class D1) and self-contained flat (Class C3) with associated alterations to form doors, creation of car parking provision and an additional access.

RECOMMENDATION: Permits – Temporary 2 Years Permission

10/17/1278			
	Mr Dave Wallacy Cherry Tree Cricket Club 459 Preston Old Road Blackburn BB2 5ND	Cherry Tree Cricket Club 459 Preston Old Road Blackburn BB2 5ND	Livesey with Pleasington

Full Planning Application for Proposed new first floor with rear balcony and access steps to create a community room and changing rooms, improvements to car parking and new ramped access

RECOMMENDATION: Permits

10/17/1037			
	Gleasons Regeneration Limited Sandringham House Hollinsbrook Park Little 66, Roach Bank Road Bury	Former Hollins Paper Mill Hollins Grove Street Darwen	Earcroft

Full Planning Application for Erection of 152 no. dwelling houses including access and associated infrastructure

RECOMMENDATION: Refuses

10/17/1428

Mr Christopher Gore Park Lodge West Pennine Remembrance Park Entwistle Hall Lane Turton BL7 0LR	Park Lodge West Pennine Remembrance Park Entwistle Hall Lane Edgworth Bolton BL7 0LR	North Turton with Tockholes
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Full Planning Application for Retrospective application for additional use of part of Woodland Cemetery for keeping/breeding of dogs. Retention of 3 no. related kennel buildings together with erection of 2 no. additional kennel buildings

RECOMMENDATION: Permits – Temporary 12 Months Permission

10/17/1419

Michael Leary Ivory House 64 Station Road Edgworth Bolton BL7 0HB	Chapel View Station Road Edgworth Bolton BL7 0LE	North Turton with Tockholes
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Full Planning Application for Proposed 1 no. new dwelling at Plot 8, Chapel View

RECOMMENDATION: Permits

10/17/1516

Blackburn With Darwen Borough Council Ms Ghazala Sulaman Butt 1 Catherdal Square Blackburn	Higher House Farm Blackamoor Road Lower Darwen Blackburn BB1 2LG	Queens Park
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Prior Approval for Demolition for Prior approval for demolition of Higher House Farm, outbuildings and adjacent garden sheds, comprising 1no. main building two storey structure and approximately 26 outbuilding/garage/shed type structures

RECOMMENDATION: Prior Approval is Given

10/18/0131

Blackburn with Darwen Council King William Street Blackburn BB1 7DY	Darwen Six Day Market Croft Street Darwen BB3 1BH	Sunnyhurst
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Full Planning Application for Proposed entrance works to Darwen Market Hall / annex building.

RECOMMENDATION: Permits

10/18/0169

Blackburn with Darwen Council King William Street Blackburn BB1 7DY	Land at Brown Street/Penny Street Blackburn	Shear Brow
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Full Planning Application for Development of Land at Brown Street/Penny Street to provide an Area of Hardstanding for Events and overspill car parking. Works include site clearance, earthworks surfacing and footpath improvements.

RECOMMENDATION: Permits

10/18/0077

Blackburn with Darwen Borough Council
Simon Jones
First Floor
One Cathedral Square
Blackburn
BB1 1FB

Former Waves Water Fun Centre
Nab Lane
Blackburn
BB2 1LN

Wensley Fold
Item 4

Full Planning Application for Redevelopment of the former Waves Leisure Centre site to include an 8 screen cinema, two A3 units (restaurants and cafes) together with under-croft car parking and associated landscaping.

RECOMMENDATION: Permits

Proposed development: Full Planning Application for the change of use from dwelling to local prayer facility (Class D1) and self-contained flat (Class C3) with associated alterations to form doors, creation of car parking provision and an additional access

Site address: 55 Beardwood Brow, BLACKBURN, BB2 7AT

Applicant: Beardwood Muslim Worship Group

Ward: Beardwood with Lammack

Councillor Michael Lee	
Councillor Julie Daley	
Councillor Imtiaz Ali	



1.0 SUMMARY OF RECOMMENDATION

Item 4.1

TEMPORARY APPROVAL – subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1.1 The proposal is to provide an Islamic prayer facility with self-contained flat, within an existing detached bungalow to meet the needs of the local community, who reside in the surrounding residential neighbourhood.
- 2.1.2 The proposal also seeks to create a new vehicular and pedestrian access on to Beardwood and for the change of use of the residential curtilage to a car park and a garden area for the proposed self-contained flat.
- 2.1.3 The key issues to be addressed are as follows:
- Principle of development;
 - Impact on the area
 - Effect of the development upon neighbouring residential properties; and,
 - Parking provision and impact of the development on the surrounding highway network.
- 2.1.4 The proposal lies within the urban boundary of Blackburn, in an area 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 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.
- 2.15 The harm identified to the amenity of the area and highway safety is not demonstrable to outweigh the principle of the NPPF in terms of sustainable development and in deed the Highway Authority do not raise objections to the proposed use.
- 2.16 With the proposed highway requirements, restrictions in hours of use, the Juma, Friday prayer, and external calls for prayer, it is considered by Officers that the proposal would be a small low key facility for the local community. The required parking standards have been met and there is considered to be sufficient on-street parking provision within the immediate locality.

- 2.17 The nearest properties at Park Lodge Flats and 53 Beardwood Brow would be protected to a large degree by Acoustic Fencing along the respective boundaries, and whilst this will not abate all noise emanating from the site, combined with restricted opening times, removal of use of part of the car park in the evenings and internal sound proofing of the property, would result in satisfactory conditions for these nearest residents.
- 2.18 The concern that is unresolved is the concern regarding the effect of the development on properties within the locality of the site due to the restricted size of the car park meaning all thirty (30) worshipers would not be able to park within the proposed car park at the same time. Whilst the applicants state that all worshipers would not be there at the same time, there is no evidence to justify this, and thus on-street car parking is likely to occur. It is this effect that Officers recommend be monitored over a two-year period so the true impact of the proposals can be judged, together with the imposition of a Green Travel Plan subject to a suitably worded condition.
- 2.19 Whilst the Highway Authority have withdrawn all previous concerns, they too are not adverse to a temporary consent being granted as this will ensure that local residents can be satisfied that the highway and parking issues raised have been being satisfactorily addressed.
- 2.20 Subject to the suggested conditions, which are considered to be reasonable and necessary, the proposal is recommended favourably.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a detached two story dwelling which sits within a generous sized, well-screened plot and is located at the junction of Beardwood with Beardwood Brow. Access to the existing dwelling is via Beardwood Brow.
- 3.1.2 The corner plot is bound by a coniferous hedge to Beardwood with concrete panel fencing to Beardwood Brow. Two deciduous trees located on Beardwood Brow overhang the site. These trees are part of a group of trees located on the north and south of Beardwood Brow.
- 3.1.3 Surrounding properties are mainly detached, sat within generous sized, well defined plots and enclosed by mature hedges, trees and other boundary treatments.

3.2 Proposed Development

- 3.2.1 This application seeks consent for the use of 55 Beardwood Brow as a localised prayer facility (Use Class D1) with self-contained flat (Use Class C3).

- 3.2.2 The prayer element would comprise of two prayer rooms (for male and female users respectively). The proposed prayer use would utilise the existing entrance on the principal elevation of the property and is separate from that of the self-contained flat which is to be served by the new separate entrance on the rear elevation.
- 3.2.3 One room of approximately 30sqm would be used as a prayer room for men and would be used for the daily (5 times daily) prayers. The second room also of approximately 30sqm would be used as a ladies gathering space where ladies can come together for group study or to pray separately. The proposals will also provide 10sqm of wash room and toilet facilities and 12sqm of access foyer. The total floor area of the prayer facility will be 82sqm.
- 3.2.4 The number of users on site is determined by capacity (82m²), which is up to around 30 persons although the regular number of attendees are asserted to be lower. This is based upon the use of the prayer room as the 'ladies room' (to be used as an occasional meeting space / individual prayer rather than congregational prayer at fixed times) is expected to be used infrequently. Religious protocols between men and women adhered to in religious institutions means it is improbable that both rooms will be used at the same time.
- 3.2.5 The proposed self-contained flat would occupy the first floor and part of the ground floor and it is envisaged that it would be occupied by the Imam (Prayer Leader).
- 3.2.6 A new 3m wide vehicular access and pedestrian gate is also proposed from the existing rear garden area of the property on to Beardwood. Part of the existing rear garden area would be retained and would be accessed by the flat occupant only.
- 3.2.7 The remainder of the existing side and rear garden would be changed to a car parking area with eleven car parking spaces proposed - one has been removed in the interests of pedestrian safety. The existing garage would be utilised by the flat occupant.
- 3.2.8 There are minimal external alterations proposed to the property other than a new doorway being inserted in the rear elevation leading from the garden area serving the proposed flat and the alteration of a window on the side of the front gable projection to form double doors to serve the women's prayer room.
- 3.2.9 The submitted application emphasises that the prayer facility would cater for a small number of local residents, a maximum of 30, to allow for prayers in the afternoon and evenings during winter months and also the early mornings during summer months. The numbers are based upon the use of the prayer room as the 'ladies room' (to be used as an occasional meeting space/

individual prayer rather than congregational prayer at fixed times) is only expected to be used infrequently. Item 4.1

- 3.2.10 Religious protocols between men and women adhered to in religious institutions means it is improbable that both rooms will be used at the same time.
- 3.2.11 The operating hours sought are Mon-Sun 05.00 – 24.00 to enable the facility to be used for the five daily prayers of Islam for most of the year including The Juma (Friday lunchtime prayer) is proposed. A Madrassa (Education) is not proposed and the applicants state will be no ceremonial events held at the property nor is there be any amplified broadcast of call to prayer.
- 3.2.12 The number of users on site is determined by capacity (82m²), which is up to around 30 persons although the regular number of attendees are asserted to be lower, around 12 in number with an internal layout drawing illustrating that a prayer room could accommodate 25 worshippers at one time.
- 3.2.13 The rationale is to provide an appropriate yet small scale facility to serve the local community, within an 800m catchment area, ensuring they do not have to travel further afield.

3.3 Development Plan

3.3.1 The Development Plan comprises the Core Strategy (January 2011) and the adopted Local Plan, Part 2 (Site allocations and Development Management Policies – December 2015). The following Core Strategy and Local Plan policies are of relevance to this application:

3.3.2 Core Strategy

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

Local Plan Part 2.

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

Supplementary Planning Documents and Guidance

- Community and other Uses with Residential Areas SPG

Item 4.1

3.4 Other Material Planning Considerations

- 3.4.1 National Planning Policy Framework (NPPF).

3.5 Assessment

Principle of Development

- 3.5.1 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.
- 3.5.2 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).
- 3.5.3 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.
- 3.5.4 The application site is located within the defined urban boundary of Blackburn, in residential area which is located in an accessible location, close to Preston New Road and a bus stop providing regular services to Preston City and Blackburn Town Centres in close proximity. The proposed use accords with Policy CS11 of the Core Strategy due to it being in an accessible location and the NPPF’s presumption in favour of development to be located in accessible locations.

Impact Upon Residential Amenity

- 3.5.5 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.
- 3.5.6 The use is described as a ‘prayer facility’ to serve the localised Islamic community however it cannot be distinguished from a Mosque due to the proposed hours of use, the inclusion of Friday lunchtime prayer (Juma), recognised as the busiest and most important prayer of the weekly calendar, and the presence of an employed religious leader (Imam) at the site although there are to be no ceremonial events, however, this said it is understood that all Prayer Centres are led by an Iman.

- 3.5.7 The hours of use are to allow five daily prayers during both the summer and winter months, in accordance with sunrise and sunset. Prayers during the summer months, approximately 3 months of the year, will consequently be early in the morning from 05:00 and later in the evening up to 24:00.
- 3.5.8 As a facility to serve the local community (within 800 metres of the application site), it is suggested by the applicants that the proposal will cater mainly for late morning, afternoon and evening prayers. Morning use is acknowledged during the winter months, beginning around 07.00-07.15 but can be as early as 05:00. Numbers will be limited to a maximum of 30 users, dictated by the 82m² floor space available and will be confined to the ground floor.
- 3.5.9 Estimated number of users at any one time is approximated at 12, though assessment of this application has been based on the maximum of 30 attendees. It has also been acknowledged within the assessment that the early morning and late evening prayers are likely to have fewer worshipers than those during the main core of the day.
- 3.5.10 The property is in a residential area with residential properties surrounding the site with occupants of Park Lodge Flats located at their closest approximately 11m to the north-west of the site, approximately 30m to the north-east of the site is a dwelling known as 'The Bungalow'. Adjacent to the southern boundary of the site is a dwelling called 'Balmoral', no. 53 Beardwood Brow. This property within 4.5m to the shared boundary. A property called 'Newlands' bounds the south-western boundary of the site which is located approximately 22m from the property.
- 3.5.11 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 submitted, which concluded no nuisance arising from internal noise but the likelihood of some disturbance from attendees arriving and leaving the premises, though this noise was recognised within that report as insignificant.
- 3.5.12 The Council's Public Protection team have reviewed the assessment and raised concern with the impact of the proposed use on the nearest neighbours due to the nature of the proposed use, the early morning and late evening opening hours, and the effect on other nearby residents by users of the proposed facility parking on the highway.
- 3.5.13 In Environmental Protection terms, late hours are considered to be between 23:00 and 07:00 hours. The arrival and departure of a number of vehicles, including the humming of engines, noise of radios, headlights, and doors both on cars and the property closing and shutting, and people talking whilst entering and leaving the building, at these times of day would all result in disturbance/ nuisance to nearby residents and would harm the amenity of nearby residents, particularly the effect of cars being parked directly alongside the shared boundary with Balmoral and the residents of Park Lodge Flats to the north of the site. Occupants of both The Bungalow to the North and Newlands to the South-West are located in excess of 21 metres

from the property and should not be significantly disturbed by the proposed use. Item 4.1

- 3.5.14 To protect the amenity of the occupiers to the north of the site, the harm could be mitigated by the installation of an acoustic fence; similarly, an acoustic fence could also be erected along the shared boundary of the site with Balmoral, 53 Beardwood Brow. This would minimise the impact of the proposals on existing and future occupiers of this dwelling from noise generated.
- 3.5.15 Due to Balmoral being positioned only 4.5m from the site, as well as acoustic fencing, it is also considered that cars parking within the area closest to the shared boundary should be restricted during the hours of 22:00 and 07:00 and to this end and the applicants have agreed that they would not use the parking spaces closest to Balmoral during these hours. This would be subject to a suitably worded condition.
- 3.5.16 An acoustic fence will not stop all noise, therefore, to reduce the impact of the proposed use further, it is considered that the hours of use should be restricted to between 07:00 and 22:00 hours, no main Friday lunchtime prayer (Juma) should take place and that no externally audible 'Calls to Prayer' from the building or within the application site should take place at any time. These would ensure the amenity of the nearest residents is protected and that the building would be used as a prayer centre and not a mosque as feared by some local local residents. These can all be secured by condition and are thus recommended. This is consistent with a similar prayer facility recently granted planning permission by the Committee at the meeting in April 2017 for the premises at the first floor flat at No.7 Whinney Lane, Blackburn, which is within the catchment area of the application site (ref: 10/16/1320).
- 3.5.17 In addition to the above, there is also concern about the effect of the proposal on other nearby residents given the likelihood of the need to park on-street outside other dwellings given the prayer rooms can hold up to 30 people at one time, potentially more when women attend the prayer rooms. This would lead to worshipers parking on the highways surrounding the property particularly at peak times of the week/year i.e. Friday Jummah prayers together with the festival of Eid which is celebrated twice a year and Ramadan. These peak times are likely to generate both a greater demand in terms of traffic generation and overspill parking depending on the actual numbers attending early morning and evening prayers and greater disturbance to those residents in close proximity to the site.
- 3.5.18 Due to being unable to secure noise mitigation measures outside of the application site along the boundaries of properties where people may park, and given off-site parking is likely to occur on a daily basis due to six of the ten parking spaces (those located within the southern end of the car park) not being available for use during night time hours, and also during peak times, the Environmental Protection team have recommended a temporary two-year consent so that the effect of the use on the amenity of local

residents can be monitored and assessed over this period. This is considered to be reasonable. Item 4.1

3.5.19 Overall, it is considered that the effect on local residents could be minimised 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.
- Requirement for acoustic barriers to the north and south boundaries of the site
- Restriction of the use of the southern part of the car park during the night time period
- Temporary Consent to assess the impact of the proposed use on the amenity of residents on Beardwood and Beardwood Brow.

3.5.20 Subject to the above conditions, it is considered that the development would not excessively erode pre-existing levels of residential amenity; in compliance with Local Plan Part 2 Policy 8.

Parking provision and Impact of the Development on the Highway

3.5.21 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.

3.5.22 The proposals seek to:

- Re-locate an existing lighting column and bus stop. This bus stop is currently not in use due to the cut in services; and,
- Create a new vehicular and pedestrian access on to Beardwood to enable access to the site from the existing Beardwood Brow entrance with the egress to be on to Beardwood.

3.5.23 The extensive comments of the Highway Authority are noted, as too are the public representations received. Before considering the existing highway conditions and how the proposed development will impact upon this, it is important to consider how the development complies with the Council's adopted parking standards. This particular proposal falls within a mixed D1 (Prayer Centre) use class. Planning policy for a residential property defines a parking provision of 2 car parking spaces for the proposed three bedroom flat. The prayer rooms would have a total area of 82sqm requiring 8 spaces, a total requirement of 10 car parking spaces. The latest revision provides eleven spaces, one of which is within the existing garage. The parking provision provided therefore accords with the adopted standards.

3.5.24 However, it is considered that the facility would attract a greater number of cars, particularly at peak times. The principle time that parking generates a

problem would be Friday lunchtimes (Juma Prayer) and during feasts such as Ramadan and Eid. Whilst there is on-street parking in the surrounding area along Beardwood, and a layby on Beardwood Brow which may be used, it is in front and to the side of private dwellings, hence the concerns raised regarding the disturbance this may cause to affected occupiers.

- 3.5.25 There has recently been an instance of cars parking on both sides of Beardwood at another property which affected the free flow of traffic on the approach to and from Preston New Road and this has heightened the concern of local residents, principally by these cars harming the free flow of traffic close to the junction of Preston New Road, and also by a minority of drivers who park inconsiderately. It is understood that the double parking was due to a local funeral and importantly could occur with any private party/get together at any address on a residential street. The fact that this happened is not sufficient reason to justify a recommendation of refusal of the application on this basis.
- 3.5.26 There will always be a minority of motorists who will go to extreme lengths to park as close to their destination as possible and the planning system cannot legislate for them. The requirement for a Green Travel Plan to be submitted and implemented will assist in minimising the effect on users of the highway.
- 3.5.27 In respect of the new proposed access; this would occur at the point of an existing lighting column and bus stop. Although a bus service does not currently utilise this stop it is important that it is retained in the locality for future use. The bus stop should therefore be relocated at the applicants' expense. The same applied to the lamppost. Both of these aspects will be secured through the use of planning conditions.
- 3.5.28 Beardwood Brow is, as residents correctly state is for Access Only. This includes the application property in question which has an access presently two-way into and out of Beardwood Brow. The removal of two-way movements at this current access and the introduction of a one-way system would lessen the impact of two way movement on Beardwood Brow by segregating entry and exit between the two access points so that entry to the Prayer Centre would be in from Beardwood Brow, with the exist out onto Beardwood.
- 3.5.29 As initially submitted the Highways Authority raised concerns with the layout of the proposed car park, the two-way movement of cars through the site, the lack of clear direction through to the new access and the manoeuvring space to the rear of the spaces. The layout plan has been amended to secure:
- 3.5.30 A pedestrian access has been introduced from Beardwood into the site, that is separate from the vehicle entrance and away from Beardwood Brow;
- The vehicular access is now one way in from Beardwood Brow and egress onto Beardwood. This has mitigated safety concerns with multiple vehicle movements;

- The internal car parking layout has been amended, at the loss of one space. All bays have the correct manoeuvrability into ~~at least~~ ^{at least 1} of the spaces, and are deemed functional;
- Acceptance of double yellow lines to be extended along western kerb into Beardwood Brow, The Highway Authority request these are marked on both side of the carriageway from when they currently finish. To secure these and enhancements such as dropped kerbs and tactile surfacing to pedestrian crossover points, a traffic management scheme is attached as a condition. These costs associated with the necessary works and costs for changes would be at the applicants' expense;
- The bus stop is to be relocated at the developers expense and can be secured by condition; and,
- The lighting column is to be relocated at the developers expense.

3.5.31 The proposed car park demonstrates 11 parking bays, with 1 space being within the existing attached garage, and associated manoeuvring space. Access is through an existing gated entrance on Beardwood Brow with egress to be via a new access on to Beardwood Brow.

3.5.32 The Local Highways Authority acknowledge the access and egress arrangements as adequate, but requires an alteration to the pedestrian access sightlines, this can be secured by condition.

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

- Requirement for the continuation of double yellow lines to the western edge of the Beardwood Brow junction with Beardwood;
- Requirement for the re-location of the existing bus stop;
- Requirement for vehicular and pedestrian access sightlines;
- Parallel bays should be 6m in length when marked out on site
- Provision of covered cycle and PTW spaces;
- Receipt of revised pedestrian access which is shown incorrectly on the submitted visibility splays drawing. It should be 2.4m (from back of footway) x 3.3m with nothing greater than 600mm from road level;
- The requirement for cycle and two wheeled motorised vehicles parking to be provided to ensure a mix of transport options are available.

- 3.5.34 The final layout of the traffic management solution with parking restrictions is to be agreed but an indication of commitment from the developer has been accepted. The Highway Authority considers these are achievable and can thus be secured by appropriate conditions.
- 3.5.35 Subject to the above conditions, it is considered that the development provides sufficient off street parking and would not demonstrably prejudice highway users; in compliance with Local Plan Part 2 Policy 10.
- 3.5.36 Effect on the locality
- 3.5.37 The area in which the site is located is solely residential with wide roads, highway trees, and domestic planting all bordering the main arterial route in to the wider Beardwood estate. As such it appears to be very peaceful in the evenings with little illumination present, other than street lamps.
- 3.5.38 A large number of concerns have been expressed that the prayer room use is considered to be inappropriate in this location given its suburban nature. It is acknowledged that there are no other uses in the locality other than residential and the change to a prayer centre will result in a change of character to this property by the increase in the number of people attending the premises both on foot and by car. However, it is considered the conditions proposed restricting the opening hours, preventing the Juma, Friday prayer, preventing external calls for prayer, requiring acoustic barriers, and ensuring the boundary hedge is retained would ensure that this prayer centre operates as a low key facility for the local community thereby ensuring that there would not be demonstrable harm to residential nature of the area and accordingly the requirements of local plan policy.

Effect on trees

- 3.5.39 Local Plan Part 2 Policy 9 requires that development and planting schemes must be designed so as to avoid the potential for future conflict between buildings and trees. If the removal of one or more trees is permitted as part of a development, a condition will require that an equivalent number or more new trees are planted either on or near the site, unless a clear justification is provided for not doing so.
- 3.5.40 Two trees exist along the eastern boundary with Beardwood Brow a Sycamore is positioned centrally along the eastern boundary which are seen as part of a larger group of trees located on the corner of Beardwood Brow on its north and south side. These trees make a positive contribution to the street scene.
- 3.5.41 Whilst the trees are on the outside of the boundary fencing, they are the trees belonging to the property and are not highway trees. Both trees are category 'C' trees. The Council's Tree Officer agrees with the conclusions of the report that both these trees are not considered to have any potential for long term retention due to them both have multi stemmed leaders from the base of the tree that have weakened unions. Both trees are also located

directly on the boundary line of the fencing that prevents a clean straight fence to be constructed. T2 is also in close proximity to the street light that restricts light reaching the footpath. As such they are considered to be unworthy of influencing any layout.

- 3.5.42 The proposal to construct an access road and parking to the eastern side of the dwelling would impact on T1, a Sycamore positioned centrally along the length of the plot, if it was to be retained and due to the land gradient the Council's Tree Officer shares the opinion the removal of the tree and replacement planting positioned to the western side of the site is the better option for visual amenity and are included within the submission.
- 3.5.43 All the significant boundary tree cover located on the eastern boundary on the opposite side of the road will remain intact.
- 3.5.44 There is considered to be sufficient space within the site for new planting and a comprehensive new landscape scheme with heavy standard sized tree planting is included as part of the proposal. The establishment of these new trees would enhance the contribution of this site to local amenity and more than compensate for the loss of the two trees.
- 3.5.45 The construction activity and proposed changes may adversely affect further trees within the boundary of property to the north, 'The Bungalow' if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees, and these are specified and implemented through the Arboricultural Method Statement included in the report, the development proposal will have no adverse impact on the contribution of trees to local amenity or character. Indeed, the new sustainable planting proposals will increase the potential of the site to contribute to local amenity well beyond the short term.
- 3.5.46 Overall, therefore the proposal accords with the requirements of Local Plan Part 2, Policy 9.

4.0 RECOMMENDATION

4.1.1 APPROVE subject to the following conditions:

- Temporary consent of two years to allow the monitoring of the proposal on both the impact on local residents and the character of the area, but would also serve to illustrate the reasons the Highway Authority withdrew their initial objections.
- Restrict to the uses applied for (Use Classes D1: Prayer Centre and C3: Dwellinghouse) and for no other use within Use Class D1.
- 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 the use of the facility to no more than 30 worshippers at any one time
- No permitted use for education (Madressa) or religious/ social functions.

- Layout out of the car park and one way system in accordance with the approved plan Item 4.1
- Details of covered cycle and PTW spaces to be submitted for approval.
- Details of revised pedestrian visibility splay to be submitted for approval.
- Restrict the use of the southern end of the car park adjacent to No.53 to not be used between the hours of 22:00pm and 07:00am the following day
- Requirement to enter in to a S278 agreement with the Highways Authority to secure the relocation of the bus stop and double yellow lines up to the western edge of Beardwood Brow.
- Prior to commencement of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall provide details of the objectives, targets and measures to promote and facilitate public transport use, walking, cycling and practices/facilities to reduce the need to travel and to reduce car use. It shall provide details of its management, monitoring and review mechanisms, travel plan coordination and the provision of travel information and marketing. The initiatives contained within the approved travel plan shall be implemented thereafter together with any additional measures that, after review, are found to be necessary to deliver the travel plan objectives.
 - Retention of the boundary hedge and trees
 - Details of the necessary acoustic fence.
 - Replacement planting in accordance with the details within the Arboricultural Report.

5.0 PLANNING HISTORY

- 5.1.1 None relevant to the use proposed and relate to minor extensions and alterations.

6.0 CONSULTATIONS

- 6.1.1 Public Protection – Concerns raised towards impact on residential amenity, in terms of hours of use and associated noise. Considers the installation of acoustic barriers to the north and south boundaries and the restriction in using part of the car park in evening hours would limit the harm to the nearest neighbours. Also promotes a temporary consent subject to the application of aforementioned conditions, so that the effect on other nearby residents can be assessed through a two year monitoring period.
- 6.1.2 Highway's Authority – initially raised concerns in respect of parking layout; the manoeuvrability with and through the site; and on-street parking being located outside the site nearer to the junction with Preston New Road and another access serving the residential property known as 'Newlands'. No objections are offered to the revised proposal, subject to the application of aforementioned conditions.

6.1.3 Tree Officer Comment

Item 4.1

- No objections, subject to the replacement planting shown being implemented.
- Conditions will be required if existing boundary treatments are to be replaced.

Public Consultation

6.1.3 270 local properties were consulted by letter and Site Notices were displayed on the corner of Beardwood with Beardwood Brow. 170 letters of objection have been received and 56 letters of support received at the time of writing this report.

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

- Inappropriate use for the area
- Questioning whether the building is to be used as a Prayer Centre or Mosque due to the times proposed 05:00 – 24:00 hours
- Detrimental to residential character of the area
- Harmful to residential amenity due to cars arriving and departing at all times of the day and night
- The existing access is two way and would be dangerous
- Increase in traffic and inadequate parking provision
- Overspill parking on Beardwood; prevention of the free flow of traffic and the danger this poses close to both residents and users of Beardwood Brow and the junction with Preston New Road
- Increase in use of Beardwood Brow, an Access Only road, where the Traffic Regulation Order is already flouted.
- One way running through the site is unenforcable
- Loss of the bus stop
- Lack of safe cross-over point on Beardwood

6.1.5 The issues of there being ‘too many mosques’ in the area, and future intensification in the future uses of the building for prayer centre purposes are not material planning considerations with each application having to be assessed on its own merits.

6.1.6 Beardwood Residents (Planning) Association have employed both Planning and Transport Consultants who raise objections on their behalf. These objections are recorded below in full. They have been considered by all the relevant Officers and the Highways Sections when making their assessments.

6.1.7 The letters of support in the main are from residents in the locality who support the prospect of having a local prayer centre to use. There are some

letters of support from further afield. The following list is a summary of their representations. Item 4.1

- Needed by local population due to a higher number of Muslims living in the locality
- A Prayer Centre of Mosque is a “necessary need”
- It would be within walking distance of people’s homes preventing the need to travel by car
- Good for the environment due to being able to leave cars at home

6.1.8 Section 9 of the report contains a selection of the individual letters of objection and support received.

7.0 CONTACT OFFICER: Claire Booth, Senior Planner

8.0 DATE PREPARED: 5th March 2018

9.0 SUMMARY OF REPRESENTATIONS

Item 4.1

Objection Maria Grant, 324 Preston New Road, Blackburn

Dear Sir / Madam

Planning application 10/17/1173

I did not comment on the original planning application last October as it seemed from a brief reading of the documents, that the change to a Prayer Room would not have much impact on the local area. However, I recently went out to walk my dog around the Beardwood and Beardwood Brow area on a day when there were more than 30 cars parked along those roads. Given such a high level of extra traffic, mostly appearing to come from the Beardwood estate given the direction the cars were parked, I decided to look into this more.

I have now read all the documents relating to this application and have comments and questions as follows:-

The application has been submitted on behalf of **Beardwood Muslim Worship Group** but I cannot find an organisation of this name online therefore I am wondering if it actually exists or if this application is actually being made by another organisation especially since the amended site drawing produced by Compass says "Client name change" at the bottom.

Since the application is for a Prayer Room, why is approval being sought for between the hours of 5 am and midnight?

According to <https://islamqa.info/en/170800> "A prayer room or prayer place (musalla) is a place that is used for prayer *occasionally*, such as the 'Eid prayers, funeral (janaazah) prayers and so on, and it is not set aside as a waqf for the five daily prayers." whereas "A masjid or mosque is a place which is prepared for the purpose of offering the five daily prayers on a permanent basis and is devoted for that purpose." (my italics).

Is there the intention to change it to a Mosque once permission for a Prayer Room has been granted?

There has been much comparison with the Prayer Room at Flat 7 Whinney Lane. This facility was given retrospective planning permission on the basis that it is for local people and only operates between 0700 and 2200.

Why then does the proposed Beardwood Prayer Room need to be open from 0500 to midnight?

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Why then does the proposed Beardwood Prayer Room need to be open from 0500 to midnight?

Details have been given about how there will probably only be 5 cars attending for short periods throughout this time, rather than 10 but I doubt people will want to walk to the facility late at night or early morning, especially when it is dark in winter. Similarly, if the weather is very cold or it is raining, snowing etc. people will drive there. Since the application states each prayer room can accommodate 30 people, this would amount to a lot more than 5 cars.

With cars arriving and departing 5 times daily there will be noise, especially at night from car engines, doors being closed, people chatting outside the building. I note that the amended noise

If only bays 1 – 5 are used late at night / early morning, how will this be enforced?

I cannot see anything in the application regarding additional light – whether for security or for people arriving and departing when it is dark. Bright lights coming on very late at night could disrupt neighbour's sleep.

The application makes great play of reducing the journeys by car if this facility is approved since people would not need to go to Granville Road or St Silas etc. I believe the reduction in impact has been over estimated. This suggests that people only ever go from home to the mosque or prayer room and back home again. It may well be that people go on their way to or from somewhere else so the environmental impact would not be particularly reduced.

The Beardwood application is for 2 prayer rooms totalling 82 square metres as compared with 120 square metres at the Whinney Lane site. The survey data from the Whinney Lane planning application showed an average of just 8 people per day and only 1 car yet it is a much larger facility.

Why cannot Beardwood residents attend the Whinney Lane prayer room?

I would appreciate it if my comments and questions could be included in the discussion regarding this application.

I am writing to oppose the amended propositions recently added to the original planning application on the following grounds :-

1. The entrance and exit for all road users of Beardwood Brow is for one vehicle at a time (due to the narrow width of Beardwood Brow at the junction with Beardwood). The application, if granted, will greatly increase the access by vehicles on a dangerous corner where there is no surfaced footpath causing increased danger to pedestrians and other road users. Even though the applicants suggest that all would be solved by an exit from number 55 opposite the block of flats, this does nothing to alleviate the problems I am highlighting. Exiting onto Beardwood is a dangerous idea where the traffic is fast moving at all times.

2. The noise report suggests that tests have been carried out on the noise of car engines but this does not address the problem of car doors banging and car owners' voices talking loudly at unsocial hours causing disruption and disturbance to the neighbours.

In all respects I strongly object to the application including the amendments and reiterate the comments made in my objection of 28 October 2017 and consider that the application should be refused.

On 28 October 2017 at 16:46, Helen Longworth wrote:

Dear Mr Prescott

I wish to strongly object to the above application and make the following points :-

1. I live in Beardwood Brow approximately 25 yards from the subject property and I moved here 36 years ago to this wholly designated residential area, knowing it was designated as such, and I see no reason for changing such designation – one which is acknowledged in the applicant's statement. This designation was also acknowledged by Jack Straw when he was an MP as stated in his letter dated 24 January 2013 to Andrew Lightfoot at the Council, a copy of which he sent to Ms Kate Hollern and to one of our neighbours. The letter was sent in reference to the previous proposal for a prayer centre on Beardwood but the points made are equally relevant now, The full text of the letter is available but I quote in full the penultimate paragraph "I am well aware of the background to this proposed prayer room. As well as the residents who oppose it, I have met those who have been seeking to establish this facility. I have great respect for them, but I remain of the view that this is the wrong place for a prayer room, in the middle of a residential area. Over the years I have

Item 4.1

supported the development of places of religious worship and education for the Muslim community on many sites around town where I have thought this appropriate. My own Blackburn home is opposite a large Mosque and madrassa; and there are two other religious establishments up the street. All three generate a great deal of traffic – far more than was ever anticipated. This is not a problem because the area is largely business, and the number of residents few. But the opposite is the case on Beardwood.”

2. I frequently walk about in this area and have noted the daily flouting of the “no entry except for access” sign at the entry to Beardwood Brow. This road has become a dangerous rat run on a road listed as an ancient highway and never intended to be used by a large number of vehicles. This intention is accepted by the highways department as shown by the “no entry except for access” sign and the speed bumps. At the entrance to the Brow there are continual hold ups where drivers are trying to enter from Beardwood and, if from the Preston New Road direction, then they are trying to make a right turn into the Brow at a narrow point and where cars are often parked on both sides of Beardwood near the apartments at Park Lodge. Pedestrians are very much at risk as there is no made up footpath on Beardwood Brow. This is especially significant as many school children walk up the Brow to school and children in prams are at risk as there is not enough room for a pram and a car to pass. In winter in the case of ice and/or snow cars try and use the Brow but slide back down as it becomes impassable. The application will increase all these dangers tremendously as users of the Prayer Centre access the Centre from the top or bottom of Beardwood Brow.

3. If the application were to be granted it would undoubtedly lead to additional parking on nearby roads as there are only 12 very “tight” car parking spaces available at the subject property. Nearby there may be 3 spaces outside my property (often already used by neighbours, workmen etc) and the rest will park outside the apartments at Park Lodge and along Beardwood causing additional dangers for all road users. Beardwood Fold is a private road and therefore not to be used by anyone other than the residents who have access to it. There are bus stops on either side of Beardwood near to the application site which add further dangers should this application be passed.

4. The noise emanating from the subject property ie car doors, conversations etc will cause unacceptable levels of annoyance and nuisance to the detriment of our amenity and enjoyment of our property, particularly bearing in mind the proposed hours of use from 5 am until midnight, 7 days per week. These proposed hours show a total and flagrant disregard for the welfare of near neighbours and are contrary to the promised hours of 7 am until 11 pm as suggested by the applicants at a meeting they called on 7 July this year.

5. The applicants cannot show a need for this prayer centre as I understand there are 47 mosques in the Borough and there are facilities at the former Dog Inn on Revidge Road (0.3 miles), on Granville Road (0.6 miles), a large facility on Leamington Road (0.6 miles) and at 7 Whinney Lane (1.1 miles).

For all the above reasons I strongly and unreservedly oppose this application and I ask that these points and those sent by other residents, together with the wise words of Jack Straw, be taken into account in refusing this application. If the application were to be granted then, at a stroke the residential designation of this (and other potential areas) would be altered to accommodate a minority to the detriment of the majority of residents

The latest amendment to the application re 55 Beardwood Brow relating to noise prevention would be of little use in containing any noise at the premises and surrounding parking areas - it is well known that noise rises and is disseminated into the surrounding space.

The gates of this property would be left open for the continual use of the premises so no acoustic screening would be effective on the gates.

Sadly these are more red herrings and a pretence at answering the valid noise issues and would be totally ineffective.

Once again I object strongly to this application on the following grounds :-

1. Increased noise and nuisance.
2. Increased traffic movements on a road that is inadequate for the present traffic let alone a further increase on a narrow corner.
3. The neighbourhood is wholly residential and this application should be refused as it fails to comply with the designated residential area plan.
4. There is likely to be overspill parking onto roads near the site with additional nuisance to other road users and pedestrians.

Objection Ian Longworth, Thorneylea, Beardwood Brow, Blackburn – 2nd March 2018

Dear Sir

I am responding to your latest letter of 21 February 2018 and therefore to the latest amendment to application 10/17/1173.

The only amendment appears to be a very vague suggestion about acoustic screening without proposed details as to specification, height etc.

Once more this proposal will make little difference to the noise levels as, necessarily, the double gates onto Beardwood Brow will be open at all times and any acoustic screening on the gates themselves will be meaningless and the noise will still be intrusive.

I reiterate the main thrust of my previous objections and feel this application is getting bogged down in details which do nothing to address the main concerns of local residents. These are the exclusively residential nature of this neighbourhood as to which the proposed use would be most intrusive, the danger to pedestrians and other users from increased traffic flows, the nuisance caused by vehicles parking outside the site and the noise emanating from the site.

In short this amendment and the earlier ones are tinkering at the edges of an application which is fatally flawed.

Dear Sir

Following your letter of 24 January 2018 I am responding to the revised application as to which very little has changed. I therefore reiterate all the grounds for objection set out in my mail of 26 October 2017.

With regard to the supplemental noise report recently submitted on behalf of the applicants they seek to say there is little difference from a noise perspective in cars using the site compared to normal traffic. The key difference is that normal traffic will be going up or down Beardwood Brow relatively slowly because of the speed bumps whereas those using the site will be parking and there will be talking and doors banging at extremely unsocial hours. There is bound to be simultaneous use of the parking facilities on site as the applicants concede there will be set times for prayers.

Furthermore the thought of restricting the use of the car parking spaces nearest to Balmoral so as to not use them late at night or early in the morning would be totally unenforceable and any planning condition to this effect would be meaningless.

I note that the applicants are prepared to accept that the opening from Beardwood Brow could be used only as an entrance with the new exit on to Beardwood being used for all vehicles. Again this will be impossible to enforce without a "one way" type ramp and the new exit on to Beardwood will be in a dangerous position in any event. Double yellow lines on Beardwood might help but the temptation will be to park on both sides of Beardwood Brow and Beardwood Fold even though the latter is a private road. This is exactly what happened recently when there was total traffic chaos as people came to pay their respects to the family of the owner of the premises who unfortunately had died.

In summary this is the wrong application, at the wrong time and in the wrong place and should be refused.

Dear Sir

I wish to object most strongly to the above application on the following grounds :-

Loss of Amenity

The use of this property as a prayer centre is inconsistent with the exclusively residential nature of the Beardwood Area. This is not in any way an anti muslim protest – I would be equally opposed to the property being used as a Christian prayer centre, a community centre or for any commercial use. There are no similar uses in detached houses nearby yet there are many mosques and prayer centres which are quite close and which the applicants could use. I do not in any way accept the applicants' assertion that this use will be for a small number of people who will probably walk to the premises. Each meeting room can accommodate about 30 people and so far as males are concerned this would be for prayers 5 times a day. It is hardly credible to think that the applicants may be paying up to £550,000 to purchase, alter and landscape the property pay for professional fees and to employ a resident Imam, all for a handful of people as they suggest. Nor do I accept that people using the prayer centre will come from a very restricted catchment area and that most of them will walk. If the weather is inclement and particularly in winter when there is only 8 hours of daylight it is clear that the worshippers will come by car and from a greater catchment area than suggested.

I understand that, assuming the section of the Council's Local Plan – "Community and other uses within Residential areas – Places of Worship" – is still relevant then such section states

"the convenience of a location close to the community has to be balanced against the adverse impacts on a neighbourhood which inevitably arise from a use involving a large number of people". This is particularly relevant as I am sure the number using the prayer centre will be many times more than the applicants suggest.

Another part of such section states

"in the case of conversions and changes of use, the premises should be located so that no undue loss of amenity to neighbouring dwellings result" and also

"A site which draws traffic into minor residential streets is unlikely to be acceptable"

On the basis of all 3 of the above statements this application should be refused.

Traffic

The proposed use involves traffic proposals which are extremely dangerous to pedestrians, cyclists and other road users. Beardwood Brow is "no entry except for access" but this is constantly flouted and it is a rat run, particularly at school times. Furthermore the police have informed one of my neighbours that they do not have the resources to enforce this restriction. Beardwood Brow as it borders this property is very narrow (single vehicle width), without a surfaced usable footpath and frequently vehicles are backed up and blocking Beardwood. The proposed use will greatly exacerbate the dangers as there will be an

enormous increase in traffic movements into and out of the premises. The danger is compounded by the proposed new exit onto Beardwood which is to be situated between the very busy junction of Preston New Road and Beardwood Brow, in a place where there is a bus stop at present and other street furniture.

Parking

The application appears to fulfil the Council's guidelines on parking spaces but the plan of such spaces seems very "tight" and, as the existing opening to Beardwood Brow is still to be used as an entrance and an exit, it will be very difficult if not impossible to turn a vehicle round within the curtilage of the property. This fact, combined with the large numbers of worshippers which I expect to use the premises means that there will be overspill parking. In this respect there is very limited parking available on Beardwood Brow (about 3 spaces near our house which are often in use by others) and Beardwood Fold is a private road. Beardwood itself is very busy and there are bus stops on each side of the road near the property. In addition there is presently dangerous parking on Beardwood (presumably by people resident at or visiting the apartments opposite) and an increase in parking on Beardwood can only add to the dangers.

Noise

The noise of traffic movements, conversations and car doors banging from 5 am to midnight will be unacceptably intrusive to neighbouring properties including our own.

In Summary

If planning consent was granted this would be an inappropriate use in a residential area, would radically increase the danger to other road users, particularly pedestrians and school children, and I ask the Planning Committee to refuse the application.

It would be totally unacceptable for the Committee to grant this application subject to conditions as there is no way any such conditions could be enforced. A good example of this is the planning consent for 7 Whinney Lane (to which the applicants refer) and in particular condition 6. This states that a car parking scheme should be submitted for approval within 28 days of 27 April 2017 and implemented within 2 months of approval. At present the proposed car park is not used as such and largely appears to be used for refuse disposal.

Finally, if this application is successful, it will set a precedent to the effect that any detached house in the Borough could easily become a prayer centre, something which would be equally unacceptable.

I understand that, assuming the section of the Council's Local Plan – "Community and other uses within Residential areas – Places of Worship" – is still relevant then such section states

"the convenience of a location close to the community has to be balanced against the adverse impacts on a neighbourhood which inevitably arise from a use involving a large number of people". This is particularly relevant as I am sure the number using the prayer centre will be many times more than the applicants suggest.

Another part of such section states

"in the case of conversions and changes of use, the premises should be located so that no undue loss of amenity to neighbouring dwellings result" and also

"A site which draws traffic into minor residential streets is unlikely to be acceptable"

Objection Mrs S.M. Packer, 2 Park Lodge, Beardwood, Blackburn

Dear Claire Booth,

I met up with you
on Thursday 19/10/17. I am writing
to you to make an objection about a
Planning Application reference 10/17/1173
Re a Beardwood Muslim worship group
for the dwelling to be a local prayer
facility (class D1) + self catering flat (C3)

with associated alterations to form
doors, Car Parking + access at 55
Beardwood Brow, Blackburn BB2 7AT.

I visited the plans for the ^{Item 4.1} mentioned changes and my complaint is the EXIT onto Beardwood.

Currently the junction is a very busy and near accidents occur frequently. As a pedestrian who regularly uses the pavements and needs to cross the road - it is worrying enough without another Exit.

Objection Brian Weatherburn, 7 Park Lodge, Beardwood, Blackburn

Item 4.1

Sent from my huddersfield Dear Sir, As Owners Occupiers of 7 Park Lodge, Beardwood. Blackburn.BB2 7FN,
We wish to object to the planning application above.

The grounds of our objection are as follows:

The above property is a private dwelling house and as such should always remain so, no change of use should be considered.

We feel this application if successful would be very detrimental to the area and would create massive problems particularly with traffic.

As no doubt you will be aware the road is very busy with traffic entering the Beardwood area. The noise created by cars parking on the roadsides near 2 bus stops and the proposed exit from the site is in our opinion too close to the major Preston New Road. Only some 20 to 30 yards before the double yellow lines and a cycle track joining Preston New Road. This will be an accident waiting to happen.

Traffic entering the site on Beardwood Brow have only approx. 12 ft carriageway (single track). Over a speed bump and about 25 yards before the entrance to Number 55.

The Noise created by the traffic will be very detrimental to the people living close by as the building will be open 5.00a.m. till midnight 365 days a year.

We trust that common sense will prevail and the application will be refused.

Continued overleaf

Dear Claire, Further to our previous e mails and in reply to your letter of 21st February. We wish to reiterate our previous objections to this application. It is mainly based on our concerns re the traffic problems already outlined to you and the noise and inconvenience caused by the numbers of potential visitors. As you know we have experienced this problem already at the end of January when we called the Lancs Police regarding the horrendous traffic problems at the unofficial opening day !!!

Objection AB & W Egerton. 15 Park Lodge, Beardwood, Blackburn

We are writing to you to advise you of our objection to the recently submitted planning application Reference 10/17/1173 – the change of use from a dwelling to local prayer facility (class D) and self – contained flat (class C3) with associated alterations to form doors, car parking and access.

Our objections are based on the grounds of 1) the inevitable increase in traffic movement in the localised area of 55 Beardwood Brow and the proposed new access point on Beardwood very close to the junction with Preston New Road. The entrance and exit to Park Lodge, which is opposite 55 Beardwood Brow is on a blind left hand corner from Preston New Road and any additional traffic will make it hazardous for residents negotiating in and out of Park Lodge.

2) The additional extra noise created by cars stopping and starting and doors opening and banging shut plus the raised voices of people coming and going at five different times of day would not be acceptable in a quiet residential area.

3) The proposed site is a residential site and always has been – and any change would adversely effect the privacy of amenity to the adjoining properties.

continued overleaf

Objection M Patel, Kylemore, Beardwood Brow, Blackburn

Application Reference: [10/17/1173](#)

I, as a resident of Kylemore Beardwood Brow, strongly oppose planning application for the conversion of 55 Beardwood Brow as a dwelling to local prayer facility (Class D1) and self-contained flat (Class C3) with associated alterations to form doors, car parking and access.

My concerns are:

- 1) potential congestion of vehicles owing to the existing road having the inability accommodate vehicles in opposite directions at the same time while also potentially endangering the safety of pedestrians
- 2) Non-existent of pedestrian pathways
- 3) Blind spots at the junction connecting Beardwood Fold, Beardwood Brow and Beardwood route, in particular the junction connecting Beardwood route and Beardwood Brow
- 4) Prayer times constantly changing with morning prayers sitting around peak hours in Autumn / Winter which will further and unnecessarily add to existing traffic numbers - this is also an issue with evening prayers also sitting around peak hours

5) Below existing nearby facilities for daily prayers can be easily accessed from Beardwood and Lammack areas:

Whinney Lane Prayer Room

Shah Jalal Mosque at the junction of Lynwood Road and Revidge Road which is less than a minute walk from Beardwood Brow

Masjd-e-Raza, [29 Goodshaw Avenue, Pleckgate, BB1 8PF](#)

I want to reiterate again the importance of vehicle and pedestrian safety in the vicinity due to its existing infrastructure not capable of coping increased traffic numbers.

In conclusion, it is impractical to make use of 55 Beardwood Brow as a local prayer facility (Class D1) and self-contained flat (Class C3) with associated alterations to form doors, car parking and access.

Continued overleaf

Objection Nicola Ward, Wesley, 47 Beardwood Brow, Blackburn

**Re. Application Reference: 10/17/1173
Change of use from dwelling to local prayer facility
55 Beardwood Brow, Blackburn, BB2 7AT**

I am writing to register my strong objection to the above application.

I understand that I can only object on issues against planning regulations. I do however feel strongly that the decision makers have a professional and moral responsibility to take on board the wider implications of the proposed development.

If this application is approved, it is setting a precedent that any detached dwelling in the Borough could be made subject to the same change of use. 55 Beardwood Brow is for sale on the open market as a dwelling. We are not considering here re-use of a dilapidated building or disused site.

My two main areas of objection are road safety and detrimental impact on the residential character of the area.

Road safety/traffic issues

The building stands on the corner of Beardwood and Beardwood Brow and is just 100 metres from the busy junction with Preston New Road. Access to the building is via Beardwood Brow. Beardwood Brow is a single track **access only** road with no pavements. As such, it is a minor residential street. According to Blackburn with Darwen's document "Community and other uses in residential areas", the section on places of worship states "**a site which draws traffic into minor residential streets is unlikely to be acceptable**".

I note that the plan provides for 12 parking spaces. It would take considerable tight manouvering for 12 cars to park up. Cars will naturally be displaced on to the road, particularly those arriving at the last minute.

Beardwood itself is the main access from Preston New Road on to the Beardwood and Lammack estates and is busy at all times. Beardwood Brow is used as a rat run for people from the estates taking their children to school and as a resident, there are times of the day when it is

Continued overleaf

almost impossible as a resident to reverse off the drive. Since moving on to the Brow in December 2016, my husband and I have contacted both the Council and the police about the deliberate flouting of the access only designation, only to be informed there are no resources to police it. Similarly, Tyrers coaches use Beardwood and The Coppice to execute 3 point turns after dropping children off at Westholme.

The right turn into Beardwood Brow approaching from Preston New Road/Beardwood is tight and has to be taken slowly in case there is already a car coming down the Brow. One has to wait at the bottom of the Brow until the other car has passed. To potentially add further vehicles to this is madness. For pedestrians, there is no pavement and they will be in jeopardy. Any cars parked on Beardwood on either side make this right turn even more hazardous as one has to move across the carriageway to execute the turn with restricted view of what may be coming the other way along Beardwood towards Preston New Road.

According to the "Local Plan Part 2 Section 2.22": **As well as overall accessibility, the effect of development on transport considerations also needs to be managed at local level. The overriding aim is to ensure that development is capable of being accessed and serviced safely.**

The applicant has submitted a "Travel Plan". This is no more than a box-ticking exercise based on knowledge of some of the reasons for failure of previous applications. It is hard to accept the details as credible and I am certain nobody will monitor and control what actually happens if the application succeeds.

Detrimental impact on character and amenity

The property in question is a residence in a residential area. There is no other development in close proximity. We are in a high Council Tax band because we supposedly live on a quiet, leafy, access only, residential lane.

To quote again from the "Local Plan Part 2 Section 2.15": **A key factor in people's quality of life is the character of the area they live in. Many people make a deliberate choice to live in a particular area because of the types of houses there or the area's physical appearance** etc.

I chose to live where I do, attracted by access only, residential properties only, no facilities whatsoever. If I wanted a shop, community centre, church, takeaway or prayer room, I would have moved near one.

I assume the applicant and his 30 (???) chosen few also chose to live here knowing there was no Islamic prayer facility on the doorstep. Their plans would be detrimental to the character of the area. There is no regard for neighbours and their right to enjoy a quiet residential area. This endeavour is not for the good of the wider community and is utterly divisive rather than promoting cohesion.

There are 45 mosques in Blackburn with Darwen, some of which are no more than a few minutes away.

The applicant stated in a public meeting that the hours of opening would be between 7.00am and 11.00pm. The application is for 5.00am to midnight. This is underhand. No doubt if the application is approved, the hours will be restricted to 7.00am to 11.00pm in a bid to fleece the residents that we've had a small "win".

There absolutely *will* be noise and disturbance – car engines, car doors, and voices at times when residents not attending the prayers are trying to sleep. It is unacceptable.

Having described the two main areas of valid objection, I now wish to discuss the:

Credibility of the application

The applicant has been trying to gain approval for a prayer facility in this immediate area for some 10 years, previously on the site of the old Beardwood Garden Centre car park. It started out big – a 3 storey community centre with prayer room, library, rooms for meetings and functions etc. Then it was pared down for the second application. This was all under the banner of "Beardwood and Lammack Muslim Society". Now we see this application, under the banner of "Beardwood Muslim Worship Group" and for just 30 people living in a catchment area of 800m. How credible is this? I believe that securing change of use is the tip of the iceberg for further applications for expansion. The applicant uses in his application the fact that there are 1869 residents of the Muslim faith on Beardwood and Lammack. How is this application providing for the community? It isn't. It is providing for a select few (for now at least, leading to the conclusion that there will be future expansion).

The whole enterprise will cost in excess of £500,000 and will create two part-time jobs. For 30 people?

The travel plan produced is nothing short of bluff and bluster, trying to tick boxes to make the application fit. I won't even try to pick it apart as that would be a whole essay in itself. It is spurious. The one point I do wish to highlight is 2.4.4, claiming "there is a significant amount of kerb-side parking along the property frontage and along significant sections of Beardwood Brow and Beardwood" – this is UNTRUE

Let us now look at the examples of other facilities given to support the application. This information is freely available on the internet, based on the 2011 census.

Pringle Street – predominantly terraced housing. Of 239 residents, 210 are Muslim
Leamington Road – predominantly terraced housing. Of 449 residents, 346 are Muslim
Granville Road – predominantly terraced housing. Of 540 residents, 440 are Muslim
Logwood Street – predominantly terraced housing. Of 458 residents, 407 are Muslim

There is no precedent for anywhere like Beardwood.

The "Zazz" takeaway is located a mile away from 55 Beardwood Brow. When the Lammack estate was built, there was a small row of shops built to serve the estate. Zazz now occupies one of them. People choose whether or not to buy a house near a takeaway.

The Whinney Lane Prayer Room

The approval of this facility and its' usage has been heavily quoted by the applicant for 55 Beardwood Brow. Any figures quoted in the current submission with regard to times of attendance at Whinney Lane, numbers attending, mode of travel, direction of travel etc. are complete red herrings and do nothing whatsoever to support this application.

Approved in April 2017, retrospectively, the Whinney Lane location fits with Core Strategy that services will be co-located forming community hubs. The room itself is above a convenience store and pharmacy. Within its' immediate vicinity are a public house, a Methodist church, a sports centre, a primary school and the Old Blacks club and function room.

In fact, having seen this approval granted, the applicant for 55 Beardwood Brow has jumped on the back of it to "strike while the iron's hot" and has employed: Inspire Planning Solutions for the Planning and Design and Access Statement; AB acoustics for the Environmental Noise Assessment; azh Consultancy for Transport Statement. Surprise surprise, these are the same three consultants used by the Whinney Lane applicant. The current submissions are merely a cut and paste exercise, using the Whinney Lane scenario and tweaking it here and there to try and make it fit.

IT DOES NOT FIT in this case. It is not serving the community in its' literal sense (ie a body of people with something in common), it is not contributing to an existing community hub of

services, it is not improving community cohesion or providing a "much needed" facility – AND the location is in no way comparable.

To conclude, this attempt to pull the wool over the eyes of the planners/planning committee is transparently littered with inaccuracies, untruths, irrelevant comparisons etc. and does not fool residents set to be seriously affected by it.

Please acknowledge receipt of this objection and keep me informed of any public meetings.

Objection Andrew Ward. Wesley, 47 Beardwood Brow, Blackburn

RE:Planning application ref: 10/17/1173 proposed development of 55 Beardwood Brow, BB2 7AT.

Having received a letter from Gavin Prescott dated 09/10/2017 in which comments are invited.

I oppose the proposed development and change of use based on the following.

1. Beardwood Brow was designed as a residential area (circa 1960) before the development of broader housing on the Beardwood estate (circa 1980) with other facilities carefully planned and developed into the overall neighbourhood development over the years. These include a Garden Centre (which since its origin had residential property built on the site, strengthening the residential emphasis and with full council backing) Shops and a Golf Course along with Allotments. These facilities are sited to cause least disruption to residential, amenity and traffic considerations. The overall plan was to encourage people to invest in the residential area of Beardwood with Lammack. Personally I moved Towns to come and work in Public Service and live in Blackburn. The current level of development is at saturation and there may be some capacity for change of use where existing commercial development exists and changes are common. Indeed a prayer room now exists over the shop on Whinney Lane and seems unobtrusive because of appropriate location.
2. The site for change is situated at a confluence next to a busy junction between a busy arterial road and the only sensible access to adjacent residential property in Beardwood, and access to Beardwood Brow on access only designation. Increased traffic, vehicular or pedestrian will increase the risk of accident and or disruption. This site is inappropriate for its proposed use.
3. There is no appetite for other facilities in the immediate neighbourhood around number 55, and most owners of property (especially Beardwood Brow) bought property on the attraction of Residential property only. A straw poll of my neighbours and local resident group has confirmed this. Over 40 people attended a recent Beardwood with Lammack Residents meeting raised in opposition to any change of use.
4. There are adequate local facilities of this nature already in existence. Namely a Mosque at top end of Beardwood Brow/Revidge Road and a prayer room over the shop on Whinney Lane. The applicant and supporters bought property in the neighbourhood knowing there was no prayer room at number 55.

5. The proposed change of use will promote increased traffic and a move from 2-4 parking spaces within the property to 12 is self evident. Some people will also be "ferried" to and from in line with other road use patterns at local facilities including schools. This does not make sense on and around an already congested arterial route into and out of Blackburn or within a residential area. The property 55 Beardwood is in both these categories and sits on an access only road designation on Beardwood Brow.

6. The application for a prayer room is the first step of further and larger development, and the eventual aim will be a mosque. Why else would the applicants and supporters spend in excess of £500,000 to acquire and develop the site. It is not for the use of 30 or less praying people with a "live in" Imam, but for a larger strategy with more far reaching pressures within the neighbourhood. Perhaps there is remote sponsorship it is unlikely from my experience that other faiths could afford to spend such amounts for 30 people.

7. Use of any changed facilities cannot be "policed" officially in line with what is claimed or approved by the Planning Committee. Particularly with numbers of users and traffic conditions. This is self evident with both the Local Council and Police abdicating responsibility for designated access only roads due to they claim resourcing issues. It is dangerous at times to try and walk along Beardwood Brow. Yet the Council can afford gated back streets in certain areas. The existing residents pay a premium for living in the quiet residential area and yet the designation of access only on Beardwood Brow is not enforced. So what exactly do residents get in services, amenities or anything else that are different from lower Council Tax payers and that justify inflated rates?

8. " Self" regulation and self policing of traffic (as mentioned in a meeting by the applicant) is causing problems to the wider community at sites like Pleasington Cemetery (a Council Facility) any one attending or close to the site at one of the larger burials or religious celebrations here will have experience of this disruption. Blackburn Rovers are compelled to pay for police presence for traffic and security reasons. But it seems other organisations are exempt at large gatherings.

9. The applicants claim over 1800 local muslims and yet only 30 will attend and walk to the facility. Why and how will they discriminate? It does not make any sense to quote 1800 and then say it justifies just 30 users? Where will the other 1770 people go to pray? At the applicants own consultation meeting where local people were invited to hear the plan it was stated that each Prayer Room, Mosque, Madrasa, were like separate religions and that's why locals did not want to use existing prayer facilities. Maybe Asda or Tesco should use this "tribal" strategy when seeking planning permission? It does not promote cohesion. Personally I don't need another prayer room at the end of the street. We have one already at the Revidge Road end.
10. Transport claims are spurious, at a local meeting one of the applicants claimed his wife drove up Beardwood Brow to take children to the Mosque at the junction of Beardwood Brow and Revidge Road despite the restriction of access only and the close proximity of the Mosque. No walking involved on their own admission and no respect for the law.

11. The claims made in this and previous supporting information for approval are not accurate, are misleading, contradictory and are not substantiated or are unbelievable. As an example are people really going to walk in Blackburns high levels of inclement weather to attend this facility? They drive everywhere else. The local school is as good example of this. Why have attendance figures and usage been scaled down from previous applications? Also residents attending recently at a local meeting organised by the applicant were told usage would be between 7.00 a.m. And 10.00 p.m. This in the application translated to 5.00 a.m. To 12.00 p.m. There is evidence of deceit in this approach.
12. Adverse traffic conditions and behaviours are already being experienced along Preston New Road at the Revidge/Buncer Lane Junction and close to the new pedestrian crossing. Some drivers using these facilities drive dangerously because they want to cut across traffic, jumping queues with right of way, and without reference to the highway code and law. This is well known to people using the roads here daily. There has been a school in this vicinity for over 50 years and yet the problems stated are recent in my experience. So why would a new "focused" facility be any different and what is the cause of these new behaviours? The Council claim the priority is safety for such pedestrian crossings and yet the facility users act in a dangerous and irresponsible way.
13. Adverse traffic conditions and behaviours are already being experienced along Beardwood Brow. This non pedestrian (no footpaths) access only road is used as a "rat run" particularly at school opening and closing times and other "rush hour" periods by people wishing to avoid the dangers and deadlocks caused along Preston New Road. They risk being fined for selfish ends. Personally I don't use Beardwood Brow as a thoroughfare even living here. I use the same access route in and out via Beardwood even if going to Revidge.
14. Adverse traffic conditions prevail along Preston New Road in the morning "rush hour" with traffic tailing back as far as Yew Tree Drive Drive on some occasions. Traffic lights should be installed at the Beardwood Road, Preston New Road Junction to help traffic flow for all users. Especially those wanting to turn right and use ring roads rather than "rat runs"
15. Adverse traffic conditions are experienced as Beardwood is used as a traffic thoroughfare and turning point for local coach operators. I regularly see coaches blocking the road as they reverse into The Coppice.

16. Previous planning applications have failed for a variety of reasons over at least a 10 year period. So there has never been a supportable need for such development in the residential parts of this neighbourhood. The land adjacent to the historic garden centre has been designated amenity land and so strengthens the residential emphasis and design of the area. The people living in Beardwood with Lammack chose to live in a residential area without "doorstep" or end of every street facilities. This includes the applicant and supporters.
17. The last planning application approval for this facility indicates that the planning committee do not trust and know better than the town's officers and experts in planning. By disregarding planning officer advice the decision to approve development can only be politically motivated and was not a planning decision on planning matters. It would appear Blackburn's idea of multiculturalism is for existing

culture to step aside for another in all circumstances and seemingly at the behest of one politician with power. This is a corruption of process surely! The old saying "Power corrupts....." springs to mind. It certainly brings a poor reputation and image to Blackburn that some of us don't deserve.

18. The Council will not be promoting Community Cohesion if this application is granted. It has designed and designated the site in question as Residential and has more recently increased this emphasis with development of housing and amenity on a once commercial site within a few metres of number 55 Beardwood Brow. This has served the neighbourhood well for over 50 years and people have made large investments in property on the residential basis. It will be divisive and discriminatory. I will support an application in the main applicants street if they so wish! But they don't want the disruption. That's for someone else to suffer! It is a completely selfish submission to benefit a handful of "selected" residents and the applicants, if the figures quoted are to be believed! It is not a Community or Neighbourhood beneficial Development at all. More self serving and tribal in nature with sinister political undertones.

I would be grateful for a receipt for this letter if at all possible, a return e-mail saying received would do. But only if our local MP approves of course!

Dear Planners,

My name is Grant Magowan I live at Beardwood Old Hall, Beardwood Fold, BLACKBURN, Lancs BB2 7AS. My garage which i use daily is accessed via Beardwood Fold and I own Beardwood Fold Road. Beardwood Fold is a cul de Sac which wasn't always the case, there used to be two entrances to it however this was changed maybe 25 or more years ago, this may not be apparent to you as maps have not been updated. The entrance to Beardwood Fold is directly opposite 55 Beardwood Brow therefore I consider myself as a near neighbour to this proposal. There are 11 houses on Beardwood Fold that have it as their sole access by vehicle, these along with myself must be considered by you as near neighbours to the proposal.

I object to this proposal as I believe it will have a devastating impact on the quality of life to myself and the other people living on Beardwood Fold. Put simply due to the increase in traffic in and out of the proposed Prayer Room and the additional cars parked on Beardwood Fold and nearby roads occasionally we will not be able to access or leave our property, occasionally the bins will not be emptied, currently to collect the bins the bin lorry reverses down Beardwood fold, they may not be able to do this manoeuvre due to the additional cars parked and traffic congestion, the odd delivery will be missed, due this road being a cul de sac delivery vans often have to reverse up and down it and perhaps the odd emergency vehicle will not be able to reach its destination on Beardwood Fold. For a while maybe once twice or more a day Beardwood fold will be blocked. For me I think this amounts to a huge loss of amenity caused solely should this change of use application be allowed therefore I object to it.

I also object to it as its use will be out of character to the area. It will attract far more car traffic than any other house in the area, as such it will increase the noise levels at times of day which are now fairly quiet such as early mornings and late evenings. This I think will be very detrimental to the quality of life to me and its other neighbours.

I also object to it being passed due to restrictions being applied with the notion they will curb its use and traffic generated. I believe in time the users will flout restrictions that they will disappear into obscurity and the site will evolve into a daily routine of traffic chaos and noise rendering the area a bit of a nightmare to live in, at least compared to how it is now.

Objection Ron & Phyllis Banks, Elston House, Beardwood Brow, Blackburn

Re : 55 Beardwood Brow Blackburn BB2 7AT

We are writing to object to the granting of planning permission for a prayer centre at 55 Beardwood Brow which is just a few doors from our house.

We have enjoyed living in this quiet residential area for well over 30 years and fear that our last few years will be spoiled by this development.

This is a wholly residential area of mainly nice detached houses and a prayer centre is not consistent with such an area.

Beardwood Brow is already a very busy narrow road as to which access is meant to be restricted and the increase in numbers of vehicles using the site will only aggravate the congestion and danger. The new exit onto Beardwood will also represent an increased danger.

The hours of proposed use from 5 am until midnight are completely excessive and particularly early in the morning and late at night will be very intrusive.

We fear that additional cars will be parked in dangerous places.

All in all we ask that this application be refused.

I wish to register my objection to the above Planning Application on the grounds that the proposed plan is not suitable for the site. I wish to make it plain at the outset that I am not objecting to the fact that the proposed change of use is to an Islamic prayer centre. I should object just as strongly to any similar application on behalf of any other religion or business.

This area is a long established residential area and the introduction of this scheme is bound to impact adversely upon the surrounding residents both from the proposed hours of opening and the inevitable increase in the already severe traffic problems of the area.

The traffic problems are acute at rush hour in the mornings and evenings, especially during school terms. Beardwood is used as a rat run by vehicles from the Lammack area trying to avoid the long traffic queues towards the Revidge traffic lights. Also vehicles from the Preston side turn into Beardwood for the same reason. Even away from the rush hours, Beardwood is used by a large number of drivers as a race track with no consideration for any other users trying to get onto Beardwood from their houses or flats. The overhanging bushes on the side of the road opposite Fir Trees also reduce the sight line.

At the same time, drivers are attempting to enter or leave Beardwood Brow which is a single width road for most of its length. It is supposed to be access only for residents, but again it is used as part of the rat run. Inconsiderate drivers turn into Beardwood Brow from Beardwood from both directions without making sure that there are no cars coming the other way. Very few drivers are willing to back up to sort out the mess. When it is considered that there are usually up to 6 vehicles parked outside the flats thus reducing the road width on Beardwood, the jams have to be seen to be believed. We live almost directly opposite to the bottom of Beardwood Brow and see all the above happening on a daily basis. The whole area from the junction with Preston New Road to the junction with Beardwood Brow is an accident waiting to happen.

The proposed times of opening between 5am and midnight are completely unacceptable with the slamming of car doors and the revving of engines when local residents are in bed.

I do not understand why the applicants are spending so much money on the proposed development for so few worshippers, particularly when they spent a great deal of money on an abortive similar application some 3 or 4 years ago. I feel that the projected number of worshippers is probably considerably understated, and therefore the likely excess number of cars will simply spill over and

park on Beardwood to add to the potential traffic problems. I do not think that we can expect many worshippers to ~~turn up or~~ walk to the meetings, especially in bad weather

I do not feel that the new exit directly on to the sharp bend on Beardwood will help in any way, since, in addition to the previously stated problems, there are bus stops on either side of the road, and 2 telephone junction boxes on or close to the corner which appear to require attention from Open Reach fairly frequently.

To sum up, I cannot think of a worse position in Blackburn to operate a Prayer Meeting House.

Dear Ms Booth

I am Chair of the Beardwood Residents (Planning) Association which body comprises and represents many of the property owners in the Beardwood area and a good number of which are situated close to the above property.

Most owners will be submitting their own objections to the above application but our Association has engaged the services of Avalon Chartered Town Planners of Burnley to report on the specifics of planning policy relating to this application.

Accordingly I am attaching the report from Avalon which highlights many reasons why this application should be refused.

I would also mention that we have also commissioned a Transport report from Mr Alan Davies of Development Transport Planning Consultancy (DTPC) and I expect to submit this report to you by Wednesday 1 November at the latest.

Given that consultation letters were not posted until the 10th October, posted 2nd class and not received until the 12th October, please confirm that the anticipated report from DTPC will receive due consideration. Please also acknowledge receipt of this email and the attachment.

Grant Magowan

Chair

Beardwood Residents (Planning) Association

.....in the matter of

Report of Objection to submitted planning application to Blackburn with Darwen Borough Council that relates to: -

.....Change of use from dwelling to local prayer facility (Class D1) and self contained flat (class C3) with associated alterations to form doors, car parking and access.

.....site at:

55 Beardwood Brow, BLACKBURN. BB2 7AT.

.....reference for the Local planning Authority : -

10/17/1173.

Representations submitted on behalf of the Beardwood Residents (Planning) Association

.....as at : **24 October 2017**

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1. INTRODUCTION

Avalon Town Planning Limited is instructed by the Beardwood Residents (Planning) Association (the '*association*') to lodge an objection on their behalf to the duly made planning application at 55 Beardwood Brow, Blackburn BB2 7AT submitted to Blackburn with Darwen Borough Council (the '*Council*'). The planning application is made in respect of the '*change of use from dwelling to local prayer centre (Class D1) and self-contained flat (class C3)*', (the '*application*').

The association's objection is in response to neighbour consultation on the application by letter sent by the Council dated 9 October 2017. The date given in that letter for comments on the application is '*within 21 days of the date of this letter*', giving a final date of 29 October 2017. The association points out however that those neighbour consultation letters were sent by post 2nd class, taking three days to arrive. Therefore, whilst every effort is made by the association to meet this stated deadline, the Council should allow this submission as being duly made even if that deadline is missed. This is common with standard consultation practice of planning applications that the period stated on the consultation letters for comments to be made is not a 'cut off' point for the submission of comments.

The association is made up of residents living locally to the planning application site. Any further details of the association can be obtained from, Mr Ian Longworth of Thornlea, Beardwood Brow, Blackburn. BB2 7AT, who is a leading member of the association.

The comments made in this report are based on the application submission plans and accompanying documents and information lodged with the Council and as made publically available on the Council's website. The comments are made independently to the association with the express intention that they form the association's planning objections to the application. It is not intended for any other purposes and therefore no responsibility can be accepted to any third party for its use of a part of the whole of its content. No part of this statement should be reproduced or used in any other document or circular without the prior approval of its authors as to the form and content in which it may occur, as the planning references used may not be appropriate for other purposes.

An inspection of the site was carried out from the surrounding public highway with Mr Longworth of the association on 19 October 2017. The application site was not inspected internally.

2. KEY POINTS SUMMARY

Item 4.1

Planning Policy – the adopted Core Strategy does not contain policies that specifically mention prayer facilities. Those facilities do however fall within class D1. Such uses are defined as non residential institutions that include a range of uses from schools to health centres. Policy CS11 of the Core Strategy sets out that such uses which provide facilities and services will be co-located where possible by creating community hubs so that such services are located close to one another with the first preference for their location being close to other facilities. The application proposals are the exact opposite of that generic policy approach in conflict with policy CS11.

- the adopted Local Plan part 2 contains the detailed policies for the area. Policy 1 relates to design. It asks new development to '*make a positive contribution to the local area*' and that new development must '*enhance and reinforce the established character of the locality.*' This area is an established higher market and executive housing area, such as is encouraged and envisaged by policy CS7 of the Core Strategy. The proposed use is a non residential use in direct conflict with that established character. The application is also therefore contrary to this adopted policy of the development plan.

The application should be determined in accordance with the development plan unless material considerations indicate otherwise. This report identifies conflict with the development plan and therefore the application should be refused.

Material considerations can indicate a decision should be made otherwise than in accordance with the development plan. In this case the application appears to promote serving people in the 'local area' as such a reason. However that approach to service provision is not sustainable, as pointed out by policy CS11 of the Core Strategy. No other reasons appear to be put forward in the application to make a decision other than in accordance with the development plan.

Character/amenity/nuisance/disturbance. - the application is presented in its supporting material as being low key and therefore compatible with the existing adjacent residential properties. However, a simple analysis of the comings and goings give a different picture. As an existing four bedroom residential property, there will be 3 cars, arriving and leaving four times a day i.e. 12 movements. The application has 11 parking spaces for the prayer room and one for the flat. The prayers are five times a day, that equates to 110 car movements per day for the prayer hall, 4 movements per day for the flat. That is 114 car movements (arrivals and departures) per day. This compares to the existing

12 movements per day. That is almost a 10 fold increase in car movements in a wholly residential area. The comings and goings with associated noise of car doors, engines people arriving and leaving is intrusive in this particularly quiet area, exacerbated by the early morning and midnight operation times every day of the week. This amount of potential activity is not appropriate in a wholly residential area and the application should be refused on amenity and disturbance grounds, especially as persons using the facility arrive and leave at the same time.

Sustainability – the application puts it that few people will arrive by car because most will walk. However there is no evidence to support such a stance. The car parking ratio is in place because of empirical surveys applied to all uses and it cannot be otherwise assumed than that if the car parking spaces are provided, then they will be used, especially in inclement weather and for convenience. The prayer room use is sessional i.e. at fixed times five times a day. It is reasonable to assume that persons using the facility five times a day will not walk all five times. The sustainability claims of the application are not therefore substantiated. It is more sustainable to co-locate such uses so that facilities and transport can be shared. That is not the case here and so the proposed use does not achieve sustainability objectives.

Conditions of Limitation – the application is presented in restrictive terms by a limitation of use as it proposes no Madressa or provision for ceremonies or events. However, should any permission granted impose conditions limiting such uses, the question to be addressed is not whether such a condition can be imposed, but what happens if subsequently an application is made to vary it or remove it or if there is a breach of its terms? These matters could not be reasonably enforced or controlled by planning condition, as they would unreasonably restrict the operation of the use, contrary to the applied tests for conditions. The application should not therefore be approved with such conditions and should be refused. The application recognises that without such restrictions the use is inappropriate in a residential area such as this.

3. THE PLANNING POLICY POSITION

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise¹ In the case of Blackburn with Darwen Council, there is an up to date Core Strategy, adopted in 2011 and local plan Part 2, also adopted in 2011. The application does not make any claim that the development plan is out of date or is in conflict with the guidance to be taken into account in the National Planning Policy Framework (NPPF). The relevant policies of the adopted Core Strategy are :

Policy CS 11. This relates to the provision of facilities and services. The policy does not mention prayer uses specifically, but as a class D1 (assembly and leisure) use, the policy applies. The thrust of policy CS11 is to co-locate facilities and services where possible so as to create 'community hubs'.

Policy 11 of the Local plan Part 2 expects all development to be of a high standard of design requiring it to demonstrate a good understanding of the wider context and make a positive contribution to the local area. In regard to these points the policy has regard to: character, townscape, the public realm, movement, sustainability, diversity and colour.

The application is isolated from any other facility or service and would be, in effect, a standalone facility in a high quality residential area. Its provision would not promote co-location as required by policy CS11 of the adopted Core Strategy. The reason for co-location is one of achieving sustainability objectives. Supporting paragraph 9.6 of the Core Strategy makes it clear that '*where providers are seeking to develop a new facility, our first preference for their location will be close to other facilities.*' The application submission does not explain whether this process to site selection has taken place. Rather the application states that the use will be close to existing users at Beardwood. This is not quantified by numbers or locations and so is impossible to verify. However, even if it were the case, the source of users and their locations cannot be controlled or regulated. That is why policy CS11 exists, to ensure shared accessible and sustainable locations. The application therefore fails to meet with or to comply with this adopted development plan policy.

The key character feature of this locality is its high quality residential environment. Policy 11 of the adopted Local Plan Part 2 requires new development to '*make a positive contribution to the local*

area and that new development must *'enhance and reinforce the established character of the locality.'* This application achieves neither of these things as it is a non domestic use out of keeping with that established residential character. The amount of car parking required is not residential in nature, the comings and goings five times a day for seven days a week are not residential in character. There is no positive contribution to the character of the area proposed. Therefore the terms of policy 11 of Local Plan part 2 are not met.

The application refers to the adopted Supplementary Planning Guidance *Community & Other Uses Within Residential Areas (SPG)*. This however predates the development plan. It is also in conflict with the approach of the Core Strategy that now seeks to co-locate such uses as this. Therefore little weight can be applied to the SPG in the determination of the application as planning law requires determinations to be made in accordance with the development plan. Notwithstanding this however, the SPG recognises that such uses have *'...large number of cars in the vicinity at times of attendance are commonplace'*. It also states that *'the convenience of a location close to a community has to be balanced against the adverse impacts on a neighbourhood that inevitably arise from large numbers of people.'* In this locality, given the high quality residential location, those impacts are more pronounced than they would be in a mixed use area.

4 THE POINTS OF OBJECTION

CHARACTER AND AMENITY OF THE AREA

This is a well established high quality residential environment with no non residential uses within the environs of this application site. The application is presented as a low key use by making provision for a *'a small number of residents of Muslim faith who reside in the surrounding residential street.'* and that whilst the maximum number of users on site is 30 persons capacity, *'the regular number of attendees will be lower, around 12 in number'*. The comparison of the potential activity of the proposed use is not a comparison with a mosque or any other use but with the existing use on the application site, which is a four bedroom detached house. The existing house requires three car parking spaces. That is 12 movements per day, coming and going. The proposed use has 11 spaces for the prayer rooms. There are five prayer times a day. That is 110 movements per day, comings and goings. The provision of the spaces implies that they will be used and cannot be assumed that, as the application suggests, people will walk to the site. The

comparison of potential movements of the proposed use to the existing use is itself an indicator that the intended use is not in keeping with the established residential character of this location by reason of the amount of potential activity.

In terms of amenity, this refers to the residential amenity of existing adjacent residential properties. Because the locality has only residential properties within it, it presently has a very low ambient noise level with little activity, especially during the evenings and at weekends and Bank Holidays. The establishing of a car park in this environment brings with it potential for significant disturbance, compounded by the early morning, late evening and a seven day week the application proposes with coming and goings five times a day. Noise and disturbance is inevitably caused by congregating people with car doors, engine noises and general activity from people arriving and leaving.

SUSTAINABILITY

The application portends that it will serve people within the local area from those residing on the Beardwood estate and that because of this proximity people will mostly walk, thereby reducing the need to travel by car to attend daily prayers at other locations. The application makes reference to paragraph 70 of National Planning Policy Framework (the *framework*) in support. However paragraph 70 of the framework is aimed at enhancing the sustainability of communities and residential environments. It therefore promotes the use of shared space of existing facilities. This is reflected in the co-location approach of policy CS11 of the Core Strategy. This is a new use and should paragraph 70 of the framework be applied, the application should first show whether the shared use of any existing facilities can be achieved. No such test has been applied in the application. It cannot therefore be claimed to be a sustainable form of development. In terms of car trips, there is no reason to assume that all 11 spaces on the site will be used five times a day. These are not shared trips as this site is not an existing destination point or locality. The aims of sustainability and a reduction in car usage therefore cannot be shown and the application cannot be claimed to be sustainable.

CONDITIONS OF LIMITATION


The application is submitted in limited terms which are that: regular attendees will only be around

12; people will walk as there is a restricted catchment area; the opening hours are not excessive; the use is small scale; the use is not noisy; there is no madressa and there is no amplified call to prayer. It is therefore to be differentiated from a typical mosque. The application therefore recognises that if it were not so limited in its use, it would not be acceptable at this location. However where people come from to use this facility cannot be controlled or regulated. Once established there is no reason to assume that users will not come from further afield, especially if it is easier to drive to and park. As the application points out, parking is available in the surrounding streets. In terms of a limitation of the use by planning conditions, the question to be answered is not whether a condition can be imposed, but what happens when an application is made to vary it or there is a breach of it? If established, it would then become a facility that should be shared according to policy DS11 and paragraph 70 of the framework. Thus it is highly unlikely that the limited use offered will or can be maintained if further use is proposed. It is therefore not appropriate to impose limiting conditions and without such conditions, the impact of the use on the character and amenity of the area is not acceptable.

6. CONCLUDING REMARKS

Planning law requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. In this case, planning policy requires uses such as this to be co-located with other similar uses. The framework seeks to apply shared use of existing facilities such that they can accommodate community facilities in shared space. This application achieves neither of those things and it is therefore contrary to the adopted development plan and Government guidance and should therefore be refused. Locally, this is a high quality residential area and the impacts of the application on the existing adjoining residents is thereby marked by way of the number of cars arriving and leaving the site and the noise nuisance from those comings and goings five times a day at unsocial hours seven days a week. It is our conclusion that the application should not be granted planning permission and that the applicants should look to follow Government guidance and adopted development plan policy and look first to share existing social, recreation or other facility.

Objection Beardwood Residents Group – Transport Note

TECHNICAL NOTE			
from:	ALAN DAVIES	date:	2/11/2017
subject:	PROPOSED Change of use from dwelling to local prayer facility (Class D1) and self contained flat (class C3) with associated car parking and access	file ref:	J898-TN

INTRODUCTION

DTPC have been engaged to review the documents submitted in support of a planning application for the change of use to a Mosque with car parking and revised access.

This Technical Note sets out the response to the information provided from a Highway and Transportation point of view to support and objection from the Beardwood Residents (Planning) Association.

REVIEW OF THE SUBMITTED HIGHWAY REPORT

The report areas reviewed are in italics and responses shown in bold, for any report to be relied on the information should be based on factual information and then an interpretation/view taken.

Preston New Road which provides access to the principal and strategic road network is approximately 100m from the site access. From Preston New Road, access into the site is via Beardwood and then Beardwood Brow. Beardwood can be described as a local distributor road and Beardwood Brow as an access road of residential character. Beardwood Brow benefits from traffic calming measures.

The 100m gives the impression the dwelling is some distance from the A677 which runs from Blackburn Centre to the A59 corridor and then to the M6, it is a key connection. In reality the site is less than 50m away and the proposed new access/exit some 40m away.

The junction with Beardwood is via a right turn ghost island indicating significant turning movements take place to require a safe turn area to be provided.



The area has parked cars around the flats opposite the site, the following image shows this during the half term where movements are acknowledged to be much reduced.



Similarly the peak flows in the half term were 40 two way on the Brow and these increase when schools are in. These are to the south of the site and thus increases the movements passing the site during school activity times.



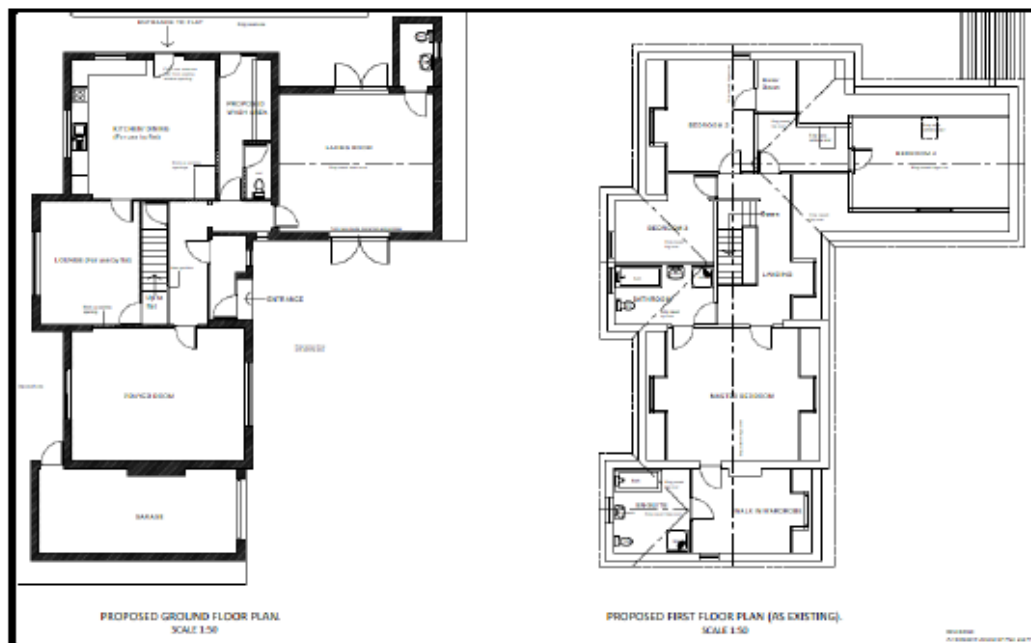
Item 4.1

Beardswood Brow is described as a traffic calmed access road of a residential character.

The road is a narrow route of some 460m with intermittent footpath provision, sections where two way flow for cars takes place with a give and take from drivers and long sections where a hgv/car cannot pass each other. This forms the main access to the site.

The site is therefore located on a constrained access, in an area where significant through movements take place and on street parking associated with other uses in the area.

Para 2.2.1 The proposals are to retain the first floor for residential use as well as the kitchen and the dining room on the ground floor. The remainder of the ground floor will be utilised for the prayer facility



The description simply says use of some rooms and the rest would be the flat for the Imam, a 4 bed flat upstairs as such the need for a lounge on the ground floor is unclear and could easily be used by prayers and would be hard to control/enforce. Similarly the garage could be converted with no recourse to planning.

The scale could therefore be higher than set out. It also suggests that only one room at a time would be used for male prayers and ladies would be attending at the same time.

This may be the case for some of the smaller prayers times where attendance is not compulsory but suggested, however Friday prayers are a must attend for the males and thus the likelihood is both rooms will be used.

The rationale for a cap of 30 users is not provided but support by DTPC to other Mosques indicates a 1.2 sqm space per attendee thus for 82 sqm the number is more like 58 people.

This is a noticeable difference in scale and the use of other spaces would increase it further.

Teaching will not take place however how this is to be controlled is hard to understand. Item 4.1 teaching is a fundamental part of a Mosque as a community use.

Para 2.3.1 The catchment area of the prayer room will be no more than 800m

This is an arbitrary figure, no evidence basis provided and appears to be used to show a need based on the location of other Mosques locally.

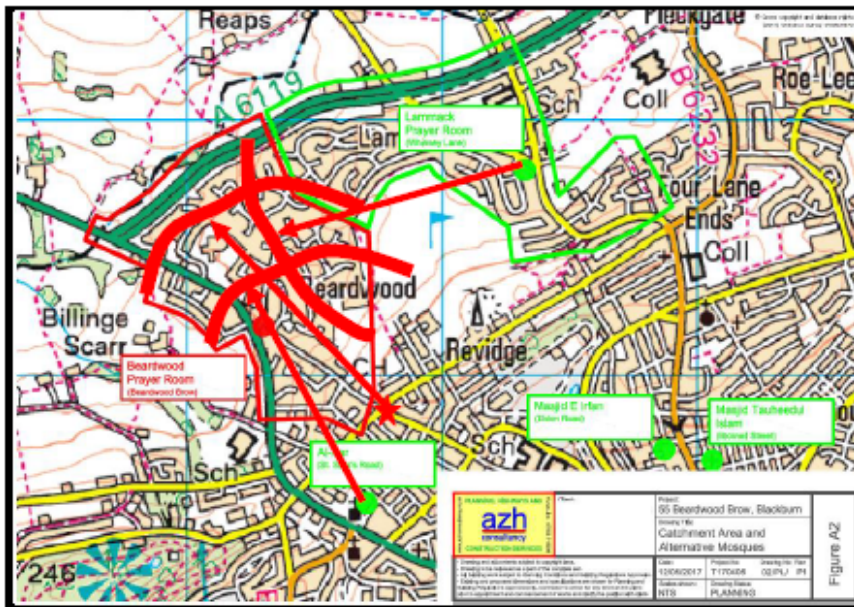
The residential design guide "Manual for Streets" (MfS) advises that "walkable neighbourhoods are typically characterised by having a range of facilities within ten minutes (up to about 800m) walking distance of residential areas..." (ref para 4.4.1). However, this is not regarded as an upper limit in MfS and reference is also made to walking offering "the greatest potential to replace short car trips, particularly those under 2km". The acceptability of walking trips up to 2km (an approximate 25 minute walk time) is also supported in the IHT document "Providing for Journeys on Foot"

The CIHT provides about journeys on foot. It does not provide a definitive view on distances, but does suggest a preferred maximum. Accepted guidance states that walking is the most important mode of travel at the local level supporting the above statement.

ACCEPTABLE WALKING DISTANCES [INSTITUTE OF HIGHWAYS AND TRANSPORTATION]			
Walking Distance	Local Facilities *	District Facilities**	Other
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

* Includes food shops, public transport, primary schools, crèches, local play areas
 ** Includes employment, secondary schools, health facilities, community / recreation facilities

The Mosque would fall into the community facilities and thus greater distances are acceptable. Using the 1km distance the other local mosque catchments are shown.



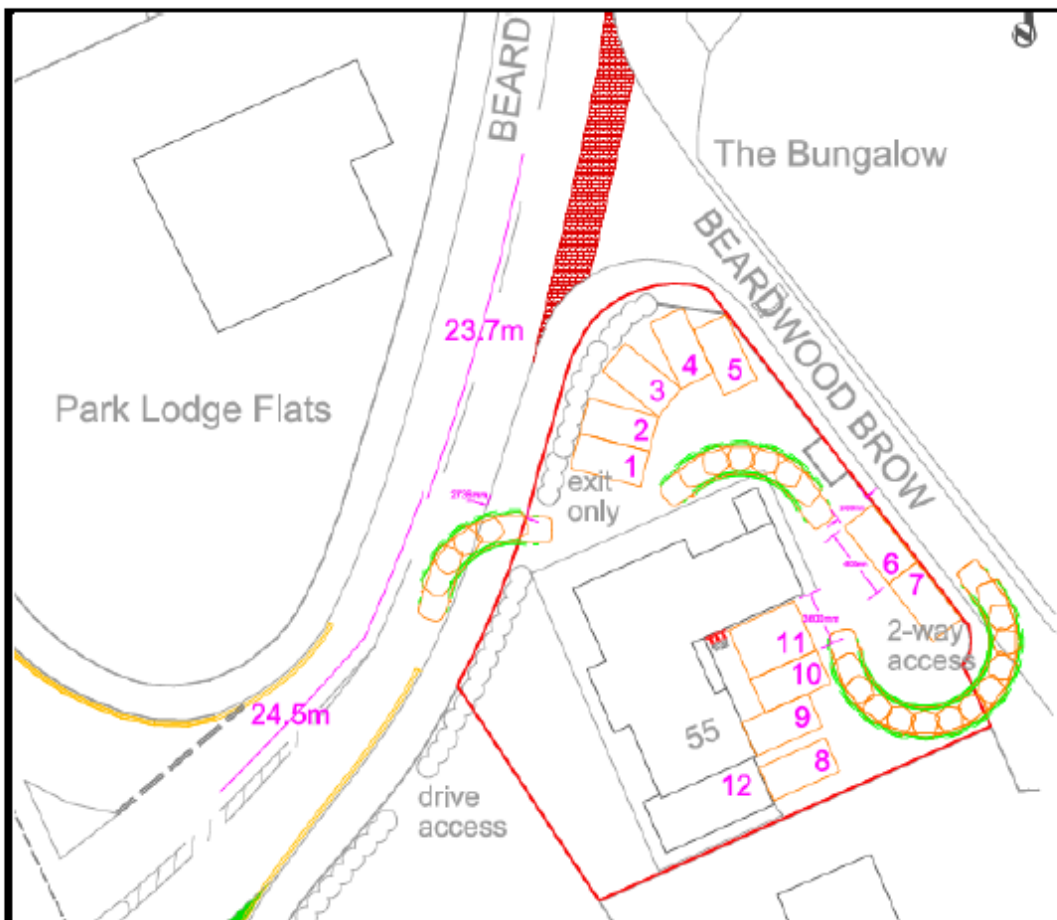
Item 4.1

The Shah Jalal Mosque appears to be missing and added for completeness as shown as red star. Clearly the majority of the proposed Mosque catchment is covered by others and a slight increase of walk will take on board the full area.

Para 2.4.1 The primary pedestrian access into the building for the prayer facility will be via the existing entrance located at the front (primary face) of the property.

The plan below shows the existing access and shows the access to have increased two way vehicular flows but with no separate pedestrian access/safe route.

It also ignores the fact the adjacent house uses the same access point i.e. they are side by side.



In addition the pedestrian route is along the Brow, the following image shows a narrow path that is not fully surfaced i.e. not a full path provision.



Para 2.4.2 Existing two-way vehicular access to the property is off Beardwood Brow. It is proposed to retain this vehicular access and introduce an exit only onto Beardwood

The exit also has no pedestrian provision and no sight lines shown for the existing walkers along the path to safely interact. In addition the exit point impacts on the road signage and local bus stop but no evaluation has taken place on how this will be dealt with, the access has not been shown to be safe or deliverable.



Para 2.4.3 The proposals include the provision of 11 car parking spaces (including a disabled bay) as well as a further bay within the existing garage

The use of garage as a parking bay would from modern standards rely on the internal size to accommodate a car etc and not be used for storage, unless permitted rights were removed the garage use cannot be guaranteed.

The layout is also constrained internally and has narrow reversing spaces, the site plan is to scale but no print size indicated to allow it to be assessed fully. The swept paths indicated on the layout are diagrammatic and not created by an autotrack type software and thus not representative of the actual car movements, cannot be relied on.

Para 2.4.4 There is a significant level of kerb-side parking available along the property frontage and along significant sections of Beardwood Brow and Beardwood. However, kerb-side parking outside the development will be less convenient than the provision that will be made within the site. All attendees of the facility will be discouraged from parking on the street.

There is uncontrolled parking on Beardswood however on the site side this would affect the bus stop, on the opposite side the access to the flats. The Brow is noted as narrow and parking along it is very limited and any increase would have a direct effect on its operational use. How parking on street is to be controlled is not set out as such little reliance can be placed on the statement.

Para 3.2.1 The planning system requires planning applications to be determined in accordance with the development plan unless there are material considerations that would justify deviating from this position. Although the National Planning Policy Framework (the Framework) is guidance for local planning authorities when developing the Local Plan, it 'is a material consideration in planning decisions' (Para 196). 'At the heart of the National Planning Framework is the presumption in favour of sustainable development, which should be seen as a golden thread running through both the plan-making (Local Plan) and decision-taking'.

The NPPF is the key policy setting for any development as local policies must comply with the policies set out. A key omission from the policy review is the refusal on highway grounds must only be supported when the residual impacts are considered severe, from inquiry experience this relates to safety of all road users.

The intensification of the access, the section of the Brow to Beardswood, narrow footpath for a noticeable and planned increase use by pedestrians in combination with an increase of car movements at 5 times per day, interaction with the bus stop for vehicle access all give rise to areas where safety could be compromised on a regular basis throughout the day and the impacts deemed severe in nature. An objection on these grounds can be supported.

In addition no information has been provided as to the use of the Mosque for Eid/festivals all of which increase demand across a greater part of the day.

Para 3.3.6 The guidance also requires the provision of off-street car parking giving an adopted standard of 1 car space per 10 square metres of gross floor area and 1 cycle space per 50 square metres of gross floor area. 10% of car parking spaces should be of a mobility standard (3.6m wide).

Based on the 82 sqm the parking offer of 11 spaces is more than suggested as a need however as shown the gross floor area is greater than the two room sizes set out. The potential for drop off/drive through has not been considered.

Section 4.1 A survey was undertaken at a similar existing development at 7 Whinney Lane, Blackburn between 6th and 13th November 2016. Those attending the facility for prayers were surveyed over a period of 7 days, with each of the 35 weekly prayers being surveyed once. The facility at Whinney Lane has a floor area of 120sqm, 50% greater than that proposed at this development.

Item 4.1

The survey is a little misleading given Friday prayers are not provided at the site referred to as such the demand is much reduced and the findings reliability also reduced.

Para 4.2.1 and 2 sets out the national walk guidance of 800-1200m and then arbitrarily reduces to 800m. The report also says those over 800m from the Mosque are more likely to use a car. The use of 800m is therefore suggested to try to reduce the potential for car use, something that cannot be controlled prevented.

Para 4.3.6 Beardwood Brow is a residential access road. However, typically only one vehicle per prayer session is expected to arrive from this direction.

Direction	Arrival Route	Percentage Arrivals from this direction.	Total number of trips per prayer session	
			Car	Foot
North East	Beardwood	60	2	16
South East	Beardwood Brow	15	1	4
South West	Preston New Road south	10	1	3
North West	Preston New Road north	15	1	4
Totals			5	27

Table 4.2 – Distribution and Mode Split of worshipers

The distribution is not based on evidenced data, it also suggests no real demand from the south as other Mosques are already in place, not sure why such an assumption can be made. Also the numbers are stated as 30 and that is likely to be increased as set out to around 60 thus a doubling of the figures at the very least.

The 5 then becomes 10 and all will use the Brow 5 times a day, the movements are not across a peak hour as normally assessed as the arrivals are often just before prayers i.e. in a 15 minute period thus more noticeable on site. Along this section they will be combined with the pedestrians again 23 doubled to 46 combined with an increase of 10 vehicles and the base line use of the Brow.

Para 4.4.5 As referred to in Section 3 of this report the Council has published an SPD on 'Community and other Uses with Residential Areas' which states a parking provision of 1 parking space per 10 square meters of which 10% should be of a mobility standard. Planning policy for a residential property would define a 'bench mark' parking provision of 2 car parking spaces for the proposed three bedroom flat. The prayer rooms would have a total area of 82sqm requiring 8 spaces, policy requiring a further 2 for the residential element, defining a total policy requirement of 10 car parking spaces.

The review shows that the garage cannot be taken as meeting guidance and cannot be counted. It also assumes all the spaces can be used.

Para 4.4.7 Only bays 1 to 5 will be used before 8am or after 10pm in order to reduce any possible noise impact (see Environmental Noise Assessment by AB Acoustics) on the adjacent property at 53 Beardwood Brow.

If the parking is required then it has to be assumed that at peak prayers they will be fully used and the times of the day largely irrelevant to the amenity of the house next door.

Other matters

Item 4.1

Reference has been made to the Whinney Lane site, the layout is shown below and clearly the spaces cannot be used as shown with very limited reversing space and a diagrammatic turn, supporting the view the layout as set out for Beardswood cannot be relied on.

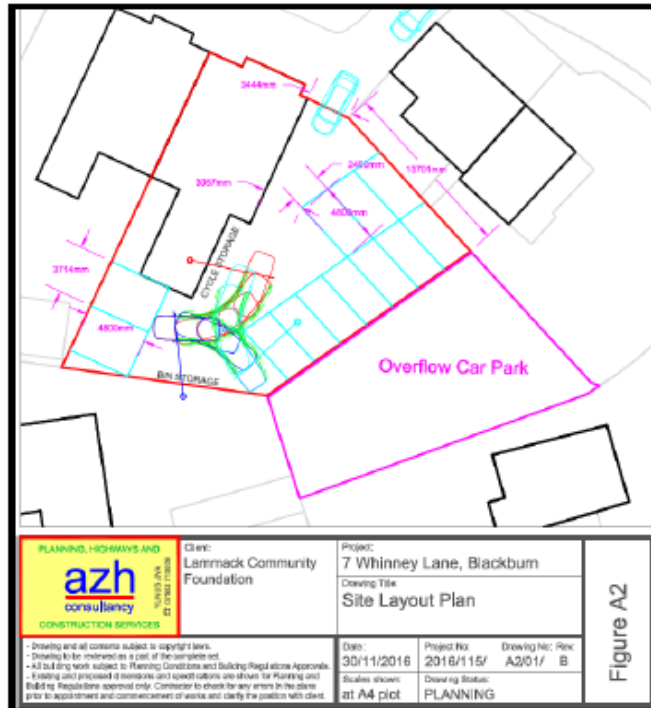


Figure A2

No assessment has been undertaken of the interaction of vehicles with the base line situation and this also includes a safety review.

The planning documentation by Avalon as a supporting objection sets out:

Paragraph 70 of the framework is aimed at enhancing the sustainability of communities and residential environments. It therefore promotes the use of shared space of existing facilities. This is reflected in the co-location approach of policy CS11 of the Core Strategy. This is a new use and should paragraph 70 of the framework be applied, the application should first show whether the shared use of any existing facilities can be achieved. No such test has been applied in the application. It cannot therefore be claimed to be a sustainable form of development. In terms of car trips, there is no reason to assume that all 11 spaces on the site will be used five times a day. These are not shared trips as this site is not an existing destination point or locality. The aims of sustainability and a reduction in car usage therefore cannot be shown and the application cannot be claimed to be sustainable.

The planning review supports the view that the spaces are likely to be fully used 5 times per day.

This is a well established high quality residential environment with no non residential uses within the environs of this application site. The application is presented as a low key use by making provision for a ' a small number of residents of Muslim faith who reside in the surrounding

Item 4.1

residential street.' and that whilst the maximum number of users on site is 30 persons capacity, 'the regular number of attendees will be lower, around 12 in number'. The comparison of the potential activity of the proposed use is not a comparison with a mosque or any other use but with the existing use on the application site, which is a four bedroom detached house. The existing house requires three car parking spaces. That is 12 movements per day, coming and going. The proposed use has 11 spaces for the prayer rooms. There are five prayer times a day. That is 110 movements per day, comings and goings. The provision of the spaces implies that they will be used and cannot be assumed that, as the application suggests, people will walk to the site. The comparison of potential movements of the proposed use to the existing use is itself an indicator that the intended use is not in keeping with the established residential character of this location by reason of the amount of potential activity.

The 12 movements from the residential use is different from that taken by TRICS where a 5 to 7 level per unit is the usual limit per day. Also the movements from the Mosque have been shown to be likely to be much higher i.e. over 200 trips per day, totally out of context with a residential area.

The application is submitted in limited terms which are that : regular attendees will only be around 12; people will walk as there is a restricted catchment area; the opening hours are not excessive; the use is small scale; the use is not noisy ;there is no madressa and there is no amplified call to prayer. It is therefore to be differentiated from a typical mosque. The application therefore recognises that if it were not so limited in its use, it would not be acceptable at this location. However where people come from to use this facility cannot be controlled or regulated. Once established there is no reason to assume that users will not come from further afield, especially if it is easier to drive to and park. As the application points out, parking is available in the surrounding streets. In terms of a limitation of the use by planning conditions, the question to be answered is not whether a condition can be imposed, but what happens when an application is made to vary it or there is a breach of it? If established, it would then become a facility that should be shared according to policy DS11 and paragraph 70 of the framework. Thus it is highly unlikely that the limited use offered will or can be maintained if further use is proposed. It is therefore not appropriate to impose limiting conditions and without such conditions, the impact of the use on the character and amenity of the area is not acceptable.

The premise of the report is the 800m catchment and that only this area will be served, clearly uncontrollable.

SUMMARY

The review shows the assessment is at best limited in nature but in reality can be considered flawed and cannot be relied onto show the real impacts of the scheme from a highway point of view.

The demand is understated, safe access has not been shown as deliverable for all modes and no mitigation put forward for its impact on the adjacent area i.e. the bus stop, walk facilities and crossing point needs.

The location adjacent to a junction combined with its potential impact on the strategic road network junction gives rise to safety concerns with the new exit and increase pedestrian flows such that a residual impact that is severe is considered the appropriate level of impact. Thus the site should be refused in highway grounds.

This letter is in response to the above planning application. I think it's a great idea as you know there is considerably higher number of muslim community living in the surrounding area and it is one of their necessary needs.

I fully back this plan and think that council should support this application. It will be much easier for me and similiary many of my brothers and their families to come for prayers as it would be on walking distance and their would be no use of cars. I think it is important for any society to have necessary community facilities including worship places which this area clearly lacks.

I am hopeful that this application would be successfull.

Support Dr Muhammad Zeeshan, 11 Park Lodge, Beardwood. Blackburn

In response to the letter which I received regarding this new Muslim prayer facility near my house, I feel delightful to write you in favor of this. Since I moved to Beardwood Blackburn in February 2017, I felt the need of such facility on walking distance. I think it is a wonderful idea and a daily necessity of Muslim Community living in this area.

This prayer room will be at a walking distance to my house and it will be very easy for me and my family to walk for prayers, as well as the rest of the Beardwood Muslim community. It will not only provide us a good walk but also will be beneficial for the environment as our cars will remain in our garages.

On the other hand, I also believe that neighborhood should be taken into confidence and their concerns should be dealt with efficient planning.

My best wishes are with this application and I hope that it will be successful.

I am writing this letter to offer my support for the above proposal. Being a resident who will definitely benefit from the Prayer facility I can only pray that that the application is successful. I truly believe that a facility like this will have a positive impact on the surrounding area.

However, I would like to highlight that, although I will be walking to the facility I hope other users show consideration when travelling to the facility and be mindful of the immediate neighbours.

All in all I can only see positives in the above proposal for me and my family. The opportunity for me to offer my prayers in congregation will have a spiritual impact on me and more importantly on my children too in the years to come.

Ayesha Musa, Wyfordby Avenue, Blackburn - 30th October 2017

Dear Mr Prescott

Re: Planning application – 55 Beardwood Brow, Blackburn BB2 7AT - Ref No: 10/17/1173

I write this letter in support of the above application. I have no objection to people of any faith being allowed to practice their faith in a peaceful manner.

I believe the change of use on the above property will not affect (us) the residents or the general area as it is not a full planning application. The building and structure will remain unchanged therefore not affecting amenities or adjoining properties as there is no new development.

The main concerns of the residents opposing the application would be of traffic. This ordinarily would be a legitimate concern but in this case can be alleviated as the users of this facility are all in close proximity and within walking distance of the facility, therefore the traffic situation should remain unchanged.

It is noted that this has been the main source of objection in the past on most locations where such an application has been made, it is that residents fear the intrusion the most.

This application provides for parking, however the facility is being created for local residents most of whom will be on foot.

It is evident that the application has given consideration to the immediate residents of the property and neighbourhood and that the application aims to have the least impact in terms of traffic and general disturbance.

Moreover The facility will not attract the general concerns of litter, disturbance, noise and traffic as would be the case for a restaurant/takeaway or pub.

I hope that council will consider the wider benefits that this amenity will bring to all the beardwood community, compared to the perceived harms and pre-emptive fears that are being put forward and have been presented in the past. This facility in the longer term can be used to provide community and social cohesion to the benefit all residents.

Mr & Mrs Patel, 3 The Warren, Beardwood, Blackburn - 30th October 2017

Dear Mr Prescott

Re: Planning application – 55 Beardwood Brow, Blackburn BB2 7AT Planning Ref No: 10/17/1173

I write this letter in support of the above application. I do not have any objection to people of any faith being allowed to practice their faith & religion in a peaceful way.

I believe this will not affect the area as it is only a change of use application and not a full planning application, therefore building structure will remain unchanged and it will not affect amenities or adjoining properties as there is no new development.

I hope the council will look at the many benefits that this amenity will bring compared to the perceived harms and pre-emptive fears. This will be a source of good community and social cohesion.

Dr Muhammad Zeeshan Tenant of 11 Park Lodge Beardwood – 30th October 2017

Dear Gavin

In response to the letter which I received regarding this new Muslim prayer facility near my house, I feel delightful to write you in favor of this. Since I moved to Beardwood Blackburn in February 2017, I felt the need of such facility on walking distance. I think it is a wonderful idea and a daily necessity of Muslim Community living in this area.

This prayer room will be at a walking distance to my house and it will be very easy for me and my family to walk for prayers, as well as the rest of the Beardwood Muslim community. It will not only provide us a good walk but also will be beneficial for the environment as our cars will remain in our garages.

On the other hand, I also believe that neighborhood should be taken into confidence and their concerns should be dealt with efficient planning.

My best wishes are with this application and I hope that it will be successful.

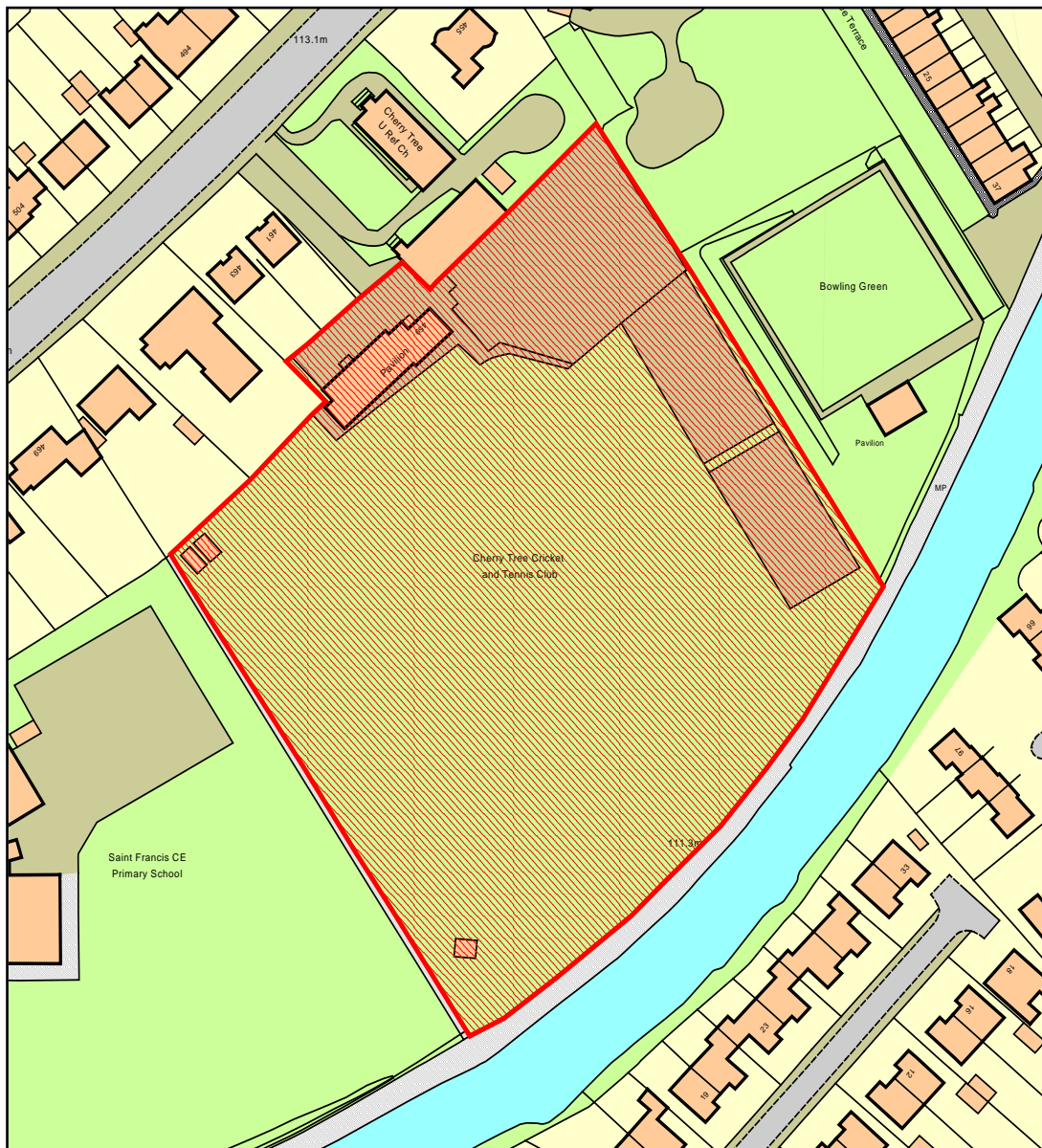
Proposed development: Full Planning Application for Proposed new first floor with rear balcony and access steps to create a community room and changing rooms, improvements to car parking and new ramped access

Site address: Cherry Tree Cricket Club, 459 Preston Old Road, Blackburn, BB2 5ND

Applicant: Mr Dave Wallacy - Cherry Tree Cricket Club

Ward: Livesey With Pleasington

**Councillor Alan Cottam
Councillor Derek Hardman
Councillor John Williams**



1.0 SUMMARY OF RECOMMENDATION

Item 4.2

1.1 APPROVE – subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal provides for a first floor extension to the existing sports and social club in order to provide a multi-functional community facility and additional changing facilities for players and officials. The proposal is satisfactory from a technical point of view, with all issues having been addressed through the planning application. Revisions to the existing vehicular access to Preston New Road will provide for a two-way route to/from a dedicated parking facility, which conforms to the Council's adopted parking standards. The proposed extension has been designed to limit potential for activities within the site to be injurious to the amenity of neighbouring residents, whilst revisions to the existing building fabric will address existing acoustic weaknesses`. Subject to appropriate planning controls, including agreement of a noise management plan, the proposal is not considered to be injurious to the amenity of neighbouring residents.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to the existing Cherry Tree Cricket Club, which is positioned to the south of Preston Old Road. The club house is currently a single storey red brick building that is accessed via a narrow un-adopted track between no.461 Preston Old Road and the United Reformed Church. Parking for the club is on an elevated parcel of land adjacent to the club house, which is independently accessed via a track adjacent to no.449 Preston Old Road that also serves the Cherry Tree Bowls Club. The immediate locality is predominantly residential in character, though the rear of the site is bounded by community and recreational uses.

3.2 Proposed Development

3.2.1 The proposal seeks full planning approval for the construction of a first floor extension covering the entire footprint of the existing clubhouse. Following the receipt of amended details, the proposal seeks to provide accommodation to be used for players and official changing, sponsors lounge and a multi-functional space for community use. The proposed design replicates the general form of the host building and seeks to use matching walling and roofing materials. The southern elevation also includes a glazed balcony at first floor spanning the full length of the building and overlooking the cricket ground. The balcony extends to the west in order to provide pedestrian access directly from the club's car park into the first floor of the building.

3.2.2 The submission also sets out alterations to the existing access to the building in order to allow two-way vehicle movements to the car park through the removal of the existing vegetation on the party boundary with no.461. 48no.

spaces will be provided on the car park. Due to differing internal site levels this manoeuvre also necessitates the construction of a new ramp adjacent to the club house, though due to the close proximity of the United Reformed Church's nursery building the ramp is only single width.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 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:

3.3.3 Core Strategy:

- CS1 – A Targeted Growth Strategy
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2 (LPP2)

- Policy 1 – The Urban Boundary
- 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 (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14).

3.5 Assessment

3.5.1 Principle of the development

The application lies within the Inner Urban Area, not otherwise allocated; as defined on the Adopted Policies Map of the Local Plan Part 2. The principle of the development is, therefore, accepted, in accordance with Local Plan Policies and The Framework'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. Item 4.2

3.5.2 Design and Layout:

Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF which seeks to secure high quality design.

3.5.3 The proposed design layout provides access to changing facilities without necessitating the opening of bars and function suite. The recently refurbished existing ground floor bar and layout will continue unchanged from the present use and the proposals are designed deliberately to ensure that no disturbance to the ground floor occurs.

3.5.4 The proposed extensions and alterations, in the main, follow the form of the host building, including the use of a hipped roof to reduce the overall massing. The building will increase in height from the current 5.4m ridge level to 8.2m. New fenestration is restricted to the southern elevation and will be in white PVC. The exterior finish of the building will be a contrasting weather boarding to the walls, which the submission indicates will provide “a pavilion feel”. The roofing will match that within the current building. An important feature is the provision of a glazed balcony detail sited on the rear of the building, overlooking the cricket pitch. The balcony bridges across to the car park and will provide pedestrian access directly in to the building.

3.5.5 Overall the form and appearance of the extensions are considered to harmonise effectively with the host building. The use of weather boarding will introduce a new material in to the locality, but the pavilion narrative is compelling and justifies the material choice. Importantly, the existing building is set back circa 50m from Preston old Road and this distance serves to reduce the overall impact of the development upon the character and appearance of the locality.

3.5.6 Thus, subject to appropriate conditions relating to submission of materials, the proposal is considered to meet the requirements of Policy 11 of the LPP2

3.6 Highways

3.6.1 Local Plan Part 2, Policy 10 sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking, in accordance with the Council’s adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services.

- 3.6.2 The cricket club is currently served by two access points. The first is an un-adopted track situated adjacent to no.461 Preston Old Road ~~Item 42~~ provides pedestrian access to the clubhouse and is also used for deliveries. The second is some 100m to the south, adjacent to no.449 Preston Old Road, and provides vehicular access to the club's car park via an open parcel of land that also serves the adjacent Cherry Tree Bowls Club.
- 3.6.3 The proposal seeks to consolidate the access arrangements by widening the access point adjacent to no.461 to enable two way movements. The internal arrangements are also modified via the provision of a new access ramp and revised car park layout to provide 48 parking spaces. As a consequence the secondary access adjacent to no.449 Preston old Road will no longer be in use.
- 3.6.4 The new extension warrants a parking requirement of 9 spaces when applying the Council's adopted parking standards for D2 uses, giving an overall need of 19 spaces. Consequently the proposed 48 space car park represents an over-provision. However, justification is formed by the fact the car park area is already in-use and the proposal is not increasing parking provision overall. Generally the layout of the car park is satisfactory, with adequate manoeuvring areas and disabled parking provision in accordance with the Council's adopted standards of 10% of overall provision. Cycle stand facilities are also provided adjacent to the clubhouse.
- 3.6.5 The Council's Highway team identify that the current access arrangements are unsatisfactory. The access adjacent to no.461 is single width and has poor sightlines. The car park access adjacent to no.449 is also single width with effectively zero sightlines when existing the site and looking west. Consequently the proposed alterations to the site access to provide for two-way access are considered to provide a safer and more convenient solution than the existing arrangements. In turn they are likely to promote greater use of the car park and offset the existing position whereby sports and social users of the club are currently parking on-street and contributing to an unsafe environment.
- 3.6.6 Subject to conditions requiring the new access arrangements and car park layout being implemented prior to first occupation of the first floor facilities, the proposal is consistent with Policy 10 of the LPP2

3.7 Amenity:

- 3.7.1 Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.7.2 The Council does not have any prescribed minimum separation distances between dwellings and community buildings, such as the cricket club. However, minimum distances of 21m between habitable room windows or 13.5 m between windows and two storey blank gables are identified within the

Residential Design Guide SPD. Those figures that can be revised upwards by 3m if there is a substantial difference between building heights or levels.

- 3.7.3 The proposed first floor extension has no windows within the north elevation which opposes the rear of dwellings on Preston Old Road. Accordingly the 25m distance between the extended building and those nearest properties is considered to be adequate to offset the potential for loss of amenity due to privacy issues and the relationship between the buildings.
- 3.7.4 The most contentious element of the scheme is the intended provision of the new 'community facility' within the first floor and the potential harm to the amenity of surrounding residents from increased noise and activity within the site, and from users of the premises arriving and leaving, particularly late at night. Indeed this element has generated the overwhelming majority of the public objections received.
- 3.7.5 The application has been supplemented by a noise assessment produced by Miller Goodall. Despite a public objection that critiques elements such as the timing of the survey work and overall methodology; the overall scope of the report has been accepted by the Council's Head of Public Protection as being consistent with the relevant British Standards (BS 8233:2014 and BS 4142:2014) as well as guidance provided by the Institute of Acoustics and the World Health Organisation.
- 3.7.6 The submitted acoustic report advises that when accounting for background noise measurements the proposed development had some potential to cause adverse impact to amenity of surrounding residents. As a consequence mitigation measures have been explored to provide sufficient protection to local residents. The mitigation measures are set out by the agent as follows;
- (a) Compulsory vehicular Dropping off/collections at the rear car park area will be formerly introduced and signage to that effect installed.
 - (b) Windows are now omitted from the ground floor bar areas which face the nearest residents. New sound baffled a/c will ventilate the premises to CIBSE regulations.
 - (c) A further window is now removed from new first floor proposals, resulting in no windows from noise source rooms facing local residents located adjacent to Preston Old Rd. New sound baffled a/c will ventilate the premises to CIBSE regulations
 - (d) All new walls and roofs will be insulated in accord with the Miller Goodall Noise Assessment.
 - (e) The access road will be a no parking zone with yellow lines
 - (f) A pedestrian ramped accessible route is now proposed from the upper car park to the first floor as new elevations and plans enclosed.
 - (g) A new Noise Management Plan is being introduced as detailed below and highlighted in section 9 of the Noise Assessment

(h) All recommendations in the Specialist Noise Assessment are 'fully' implemented. Item 4.2

(i) The new room at first floor level is proposed as a 'Community Room', to reflect that the room will have multiple uses including, Sporting Seminars, Pilates, Aerobics, Yoga, Spinning, Sports clinic,

3.7.7 The Council's Public Protection team have critically reviewed the proposal, the submitted acoustic report and the suggested mitigation measures. Their response concludes that in relation to noise from within the extended building that the matter can be adequately resolved through the suggested mitigation. However, elements including the wall construction and specification of the mechanical ventilation system would need to be controlled via suitably worded planning conditions.

3.7.8 Concern is raised, however, in relation to the potential for noise and disturbance from outdoor activities associated with the late night use of the premises, such as the slamming of car doors, shouting and other anti-social behaviour from late night revellers.

3.7.9 The concerns are acknowledged, though there are several factors that should be considered when reviewing the potential harm that will result from the development;

- The club already operates in the evening/night. Hence the proposal is not introducing a new use, but rather it is potentially intensifying the use of the site. However, the applicant is keen to stress that the use of the new first floor community space will not coincide with use of the existing ground floor lounge for functions.
- The proposal makes arrangements for users of the site to be dropped-off and collected from the car park area. The effect of which is to move activity from Preston Old Road, where there is potential for conflict with surrounding residents, to the rear of the site. This represents an improvement on the current situation.
- Safeguards exist through the club's licensing restrictions and other controls such as statutory noise nuisance assessments.
- The mitigation measures highlighted by the applicant's agent.

3.7.10 Given the above mitigation, it is considered that on balance the development will not be injurious to the amenity of surrounding and neighbouring residents and the proposal can be considered to be compliant with Policy 8 of the LPP2 in that regard.

4.0 RECOMMENDATION

4.1 **APPROVE** subject to the following conditions;

- Commence development within 3 years
- Materials to be submitted and agreed
- External lighting scheme to be agreed

- Car park layout and access ramp to be implemented and available for use prior to occupation of the first floor extension. Item 4.2
- Landscaping
- Scheme relating to the proposed wall construction and ventilation system to be submitted

5.0 PLANNING HISTORY

5.1 10/95/0129 - Demolition of the existing clubroom, modifications of the existing brick building and extensions to create a new clubroom and changing facility. Creation of new car park (Approved)

10/12/0710 - Creation of an all-weather cricket practice facility with new playing surface and surrounding fencing (Approved)

10/17/0035 – Retrospective: Side canopy and rear and side raised seating area. (Approved)

5.2 There have also been a number of applications for telecommunications equipment within the cricket grounds, though none are considered to be relevant to the determination of this planning application

6.0 CONSULTATIONS

6.1 Highways:

No objection. Car parking amounts to an over-provision, though acknowledged that this is the existing position and can be justified on that basis. Revised access arrangements are satisfactory and an improvement on the existing position. Conditions required relating to construction methods, and first use of the extension only once the car park and revised access are completed

6.2 Public Protection:

Noise from inside the club - Specification of the ventilation system (although this could be resolved by imposing a suitable condition) – The noise report submitted in support of the application states that, “It is important that the methods used to ventilate the building do not negatively impact the sound insulation performance of the building fabric. Specialist advice should be sought at the appropriate stage to assess any such ventilation strategies. The aim shall be that the ventilation system negates the need to open windows during a function.

Noise from outdoor activity associated with the club - Unfortunately, the issue of external noise is more difficult to resolve. The increased capacity of the proposed venue has the potential to significantly intensify activity at the site. If the use intensifies it is likely that there will be more people leaving on foot, which we know causes problems for

residents, and it is likely that some cars/taxis will still deposit/collect customers at the entrance to the site. Item 4.2

However, information submitted in support of the application states that, "It is highly unlikely that the ground floor bar room and the community room will be used simultaneously for a function and so intensification of use in this sense will not be a regular occurrence." Is the applicant willing to accept a condition that would prevent significant intensification, such as a condition prohibiting the use of the ground floor lounge when the first floor function is being used from late evening onwards?

I recommend that any approval is subject to conditions requiring the implementation of sound control measures identified in the noise report submitted in support of the application. These recommendations include:

- Ventilation
- Building Envelope Requirements (walls, roof, acoustic glazing specification)
- Modifications to the smoking shelter

If consent is granted I recommend that the following condition is imposed:

External lighting Condition

External lighting at the development hereby approved shall not give rise to light intrusion at residential premises and luminaire intensity in excess of the obtrusive light limitations for exterior lighting installations specified for an E2 Environmental Zone Table 2 of the Guidance Notes for the Reduction of Obtrusive Light GN01:2011 produced by the Institution of Lighting Professionals. The proposed development is considered to be within an E2 Environmental Zone

Reason: To minimise potential loss of amenity at residential premises caused by obtrusive light pollution.

6.3 Local Authority Drainage:
No objection.

6.4 Environmental Services:
No comment.

6.5 Canal and River Trust:
No comment.

6.6 Public Consultation:
64 neighbouring properties have been individually consulted by letter and a site notice displayed. Following the receipt of amended details 20th November 2017 and 2nd February 2018 two further rounds of consultation have been undertaken. 17 letters of objection have been received. The objections can be summarised as;

- Loss of amenity to surrounding residents due to noise (music) from within building and from patrons arriving and leaving late at night

- Anti-social behaviour in locality
- Sub-standard access arrangements and associated highway safety concerns
- Existing car park problems being exacerbated by increase in use associated with extension
- Loss of sunlight to neighbouring premises
- Loss of privacy due to overlooking
- Shortcomings of methodology and assumptions set out within acoustic report

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 2nd March 2018

9.0 SUMMARY OF REPRESENTATIONS

Item 4.2

Objection Angela McKay, 97 Old Gates Drive, Blackburn

Dear Planning,

On behalf of the residents of Old Gates Drive nos 93 to 101

We object to these plans on the grounds of noise and disturbance to our wellbeing particularly sleep. If functions are held regularly there will be no respite.

The application for the music and alcohol licence last year resulted in the agreement being breached on a few occasions when loud music was played until 12.45 a.m. rather than ending at midnight as agreed.

Despite the club agreeing to keep windows closed and have speakers facing only inwards to the dance area we are experiencing very loud music with a predominant bass beat.

Those inside the club must be experiencing noise levels above the maximum db level recommended by the H.S.E. Apparently it should be possible to hold a conversation with the person next to you, without shouting, when music is playing; levels above this may cause hearing damage. If we can hear it from across the canal it must be too loud

We all feel that the addition of a function suite will inevitably result in regular noisy nights accompanied by loud behaviour from those attending functions, e.g. weddings, spilling out onto the balcony if this is added.

We cannot see how this noise can be controlled as no monitoring seems to be taking place at relevant times and so, on these grounds, we object to the proposal. If the proposal is accepted will the council be able to monitor the noise at the times it is in use at night time. and ensure there is no change to the present arrangement regarding music ending at midnight and the number of functions limited to 12 per year.

Objection Arthur & Susan Carter, 33 Firtrees Drive, Holly Tree, Blackburn

we write to state our objections to the proposal by the cricket club to add a first floor extension with rear balcony with patio doors opening onto the balcony and with access steps to create function suite and changing rooms, improvement to the car park and new ramped access. . Our home is situated directly opposite the club across the canal. The club are not adhering to an agreement regarding unsocial noise late at night, so the proposed addition of a first floor extension will result in further unsocial noise especially on warm summer evenings when folk will congregate on the upper storey with patio doors open and loud music playing.

Objection Claire Jackson, 504 Preston Old Road, Blackburn

I write in connection with the above planning application. I have examined the plans and wish to object to the development outlined within the plan in relation to the following:

- Insufficient car parking to meet the needs of the increased activity at the club and increased traffic, affecting our property which is directly across from the entrance to the club
- This in turn could affect the value and saleability of our property
- Increased noise associated with the function room, particularly evenings and weekends
- Increased anti-social behaviour, particularly evenings and weekends

I am also concerned about the level of noise and traffic during the proposed build.

As local residents we are supportive of developments which improve the community but feel the extent of these proposals will have a detrimental effect on our day to day lives.

I would be grateful if these concerns could be included within any reports to be considered by the Planning Committee.

h ere Dear Mr Kenny

Re planning above application ref no. 10/17/1278

I would like to formally lodge a complaint and my concerns re the above planning application with the following reasons:

1. The noise assessment was not a true assessment as the club knew it was being undertaken and the band stopped at 23.45

Normally any band/disco does not stop until 00.30 . Clearly the management ensured this happened as they knew the assessment was taking place.

2. Why were the NSR's placed where they were? Where I live there is NOTHING to stop the noise reaching my house - no trees, boarding - NOTHING. Why wasn't a sensor placed where there are no barriers to sound reaching local residents??????

3. Are windows REALLY going to stay closed in the summer?? I think not.

4. Has there been any consideration throughout this that noise will be doubled if there are two function rooms?

5. Has it been considered that noise at a higher level i.e the proposed extension, will travel quicker?

6. Wind also plays a part in noise.

7. Doors WILL be left open - especially in the summer - they are already being left open.

8. There is a health issue here - there already is. It is detrimental to a persons health to be deprived of sleep. The Noise Statement for England March 2010 states

" to avoid significant adverse effects on health and quality of life" and " where possible, CONTRIBUTE to the importance of health and quality of life".

This club is already affecting my health when I am unable to sleep due to the noise coming from it. I often work weekends and my job includes driving and prescribing controlled drugs for seriously ill people. In order to this I have to be to be alert and able to concentrate - which I cannot do if I have been deprived of sleep. I am sure nobody involved in this farcical application would want a sleep deprived and potentially ill person to be caring and prescribing for either themselves or their loved one in this state of ill health.

The Noise Statement for England March 2010 also states

Item 4.2

" all reasonable steps should be taken to mitigate and minimise effects on health and quality of life".

My quality of life and health has already been adversely affected by the noise - to consider an extension to double the amount of noise being emitted from the club is utterly inconceivable for me and I will not be able to continue working if this planning application is accepted and I have no doubt my health will be further affected by the noise.

9. Re the management available to take any complaints about noise from local residents - let me tell you what already happens. I telephone the club after 00.15 hours when the noise stops me from sleeping (I only do this if I am working the next day.) The response I have received so far have been mostly no reply despite letting the phone ring for a very long time. On one occasion - and only one - the phone was answered. Their reply was vial abusive language and finally told to phone the police if I had a problem. Which I did do and when they arrived they closed the club. Why should I believe this will change if this planning application is accepted - just because you have told them to do so? I can assure you this will not change because of the type of people running this club.

These are the major, but not complete, objections I have to this planning application. Please remember this club is in a wholly residential area. At the moment it is sought after area to live, already people considering moving to the area are asking about the noise from this club - if the planning permission goes ahead house prices will plummet - and it will no longer be a sought after area to live in. Is the club prepared to pay me compensation for this? There are already two houses next door to the club for sale - perhaps the council should ask the owners of these houses should why.

I hope you will take the time to read my concerns and pass them on to the relevant people involved in the decisions regarding this planning application.

Objection Mr. Larry & Bernadette Moriarty, 469 Preston Old Road, Blackburn

~~PLANNING APPLICATION 10/17/1278~~

We wish to object to the above proposed application.

There are already considerable problems for local residents with Car Parking in the vicinity of the Club location and the proposed increase in numbers of cars coming and going will no doubt only exacerbate the existing problems which the local residents already experience in parking outside their own houses. Getting in and out of drives becomes much more difficult when more and more drivers park without consideration often blocking private driveways.

In addition to the parking problems the noise issues connected with the club still remain a concern and cause of annoyance and nuisance especially when this lasts until after midnight.

Objection Mr M Ashcroft, 467 Preston Old Road, Blackburn

I wish to object to the above planning application, for the following reasons.

The site at Preston Old Road as limited access, is in a residential area, shares boundaries with local housing, and a care home. These people & the local residents, are the ones, who, will have the most cause for alarm, at the prospect of, traffic / noise problems, on a regular basis, probably on a weekly basis, if this application is approved.

" There is only one access, to & from the car park, which leads directly on to the main road. This could cause problems & disruption to the main road traffic flow, especially if a function, clashed with a church service.

Problems of access, could lead to motorists, resorting to parking on the

main road, which already as a problem with parked vehicles. Item 4.2

Cherry tree cricket club is on a site, which is just not suitable, for this type of development of its social side.

The Function suite part of the application, is the only part of the application to which I object

Objection Mike & Denise Burt, 27 Firtrees Drive, Blackburn

May we urge you to refuse the above planning application for Cherry Tree Cricket Club. On occasion there is far too much late night and early morning noise disruption now due to revelers standing on the existing verandah and the smoking shelter. Also if the weather permits, the patio style doors and windows are open at night allowing everybody on our road to hear the music whether we wish to listen or not especially after midnight. Before midnight is reasonably acceptable but getting on for 0100 hrs is not.

The proposed development will mean more functions at night and the number of doors and windows in the plan will allow even more noise from the building which will presumably have discos and live bands playing till all hours as the ground floor does now. Plus there will be even more revelers in total occupying the upper planned balcony as well as the ground floor balcony.

We have been told that the club has a music licence till midnight. Who is stopping the music now when we're in bed trying to get to sleep well after midnight. Also the number of people shouting and screaming till until well after 1am. All this used to be kept under control with the previous owners apart from one isolated incident but since it was taken over it has become intolerable some weekends. Imagine what it is going to be like when another floor is added and even more party goers are present.

It may be ok for the planning committee to pass these sort of applications but they don't have to live here. Please please try to consider the feelings of the clubs neighborhood.

i would like to first off all make an official complaint :-

You have deliberately not contacted or informed residents on Fir Trees Drive in particular No's 4,6,8,10,12,14,16

These properties have their main bedroom facing Cherry Tree Cricket Club, where as 19,21,23,25,27, have their second bedroom facing the cricket club,

Fir Trees Drive is 80% inhabited by elderly/retired people, who mainly sleep in the Main Bedroom

In my particular case No 10 my bedroom faces between the two opposite houses with a clear view of the cricket club, decking and the patio doors leading out onto the decking.

Currently i have made 17 complaints to the council regarding the noise coming from the decking area from 9pm onward and in one instance 1pm in the morning, when we are trying to sleep, we sleep with the window wide open. the noise is usually by people speaking in high voices, swearing, loud screaming, drunkenness, with no regards that it is a residential area,

My partner is a Palliative Care Specialist working for a Hospice in the community, the role requires her to carry out drug calculation with some very restricted drugs, concentration is paramount, A good nights sleep is of the essence, working weekend is part of her duties, 5am get up is required with a 10 pm curfew, Yet on 3 occasions due to the noise coming from the cricket club (decking) this has not been possible, it has been 12:30 before she has been able to sleep,

The proposal is to have a balcony on this extension facing the cricket pitch which will only exasperate the noise problem even further as it is higher off the ground and the noise will travel even further,

The Balcony will attract even more people to stand / drink, it will be a main focal point, the noise will increase 10 fold Item 4.2

i request a noise screen be put in place that can be drawn across the balcony and the decking below at 9pm to deflect noise away from Fir trees Drive

Objection Mrs Joyce Helen Duckworth, Cricklewood, 498 Preston New Road, Blackburn

Dear Mr. Kenny,

Regarding the above application amendment, I have studied the amended drawings and from what I can ascertain the changes are only detail, as my computer skills are somewhat limited. However, this does not affect my continued objection to any further development of the present site.

As I have previously stated this establishment is now a night club / public house with its associated problems re- noise, general behaviour and inconsiderate parking. I note from the proposed plans that there will be parking available, if this does come to fruition I hope that the customers use the car parking spaces more responsibly and with more consideration than when they park on Preston Old Road

I am sure that the establishment already displays notices requesting customers to consider the local residents when leaving the premises and will continue to do so in the future. I personally feel that customers leaving after a few drinks presently completely ignore these notices and will continue to do so in the future.

I eagerly await any comments you may have on my observations. As I have previously mentioned this establishment has completely changed the quiet nature of a residential area and further development should not be permitted.

Concerning the above application, which we object to:-

The amount of traffic with passengers, when attending any event (etc) is bad enough as it is now, if the plans go ahead for such proposals, the amount off traffic, can/will only increase, with further personnel attending such events; when taxi's/minibuses, disembark or leaving said premises, is a very hazardous procedure, an accident waiting to happen, with perhaps a fatal one, heaven forbid; the personnel, especially when leaving, either very drunk, or partly drunk (or whatever) have NO REGARDS to the residents nearby, by shouting ,swearing or very noisy, upto one a.m. in the morning, stated taxi's just stopping in the middle of the roadway, causing on coming traffic to take avoiding action, sometimes sounding their respective horns at well beyond the time limit, plus parking and stopping outside nearby driveways, and many times waiting for respective passengers, for quite sometime,when asked to move, whether it be taxi drivers, or friends picking up people, all one gets is abuse, rather vehemently, this is just not on, especially in a residential area, the already parking of vehicles, makes for a very congested presence hence the 'delivery'of passengers making it much worse for road users.

Things will only get worse, not better; the local people, feel that, it is nothing to do with 'people' of the area,as by the amount of incoming fare paying passengers, who appear to be from other area's, and not 'local' more a question of making more money, no doubt the loudness of their music systems will also get more noisy as well!

A for instance, on October 20th-22nd. A function of a Beer & Cider Festival took place; the day after, Monday 23rd. at 3:30a.m. until 4:30 a.m. a person was witnessed running up and down the access lane to the Club, swearing, with Strong lights from the car park, then a dark coloured Transit type van, roared off, in the direction of Blackburn. this would appear to be a peculiar time for 'packing' up, again, very unfair. To advertise this event, large notices were attached to the metal fencing, at the Club,and to the railings adjacent the pavement/roadway, these notices are still up, why! This just does not auger well in a residential area, which once was a desirable area of Blackburn.

Objection Peter R Storry, 461 Preston Old Road, Blackburn

Item 4.2

Further to our previous comments on the above Club and its projects; another concern, and from 'experience' regarding the 'Highrise' walkway access, from the car park, to the (seemingly) first floor entrance, it could very well be that, this part of the building would be used as a meeting/drinking/loud talking extra place to do same, as, in the past they have done this, albeit, at the rear of the Club, which was supposed to be a fire exit! This again at the end of the day will/would encroach on our privacy, etc., especially, during the summer months.

Coupled with the above is, the probable light sign, advertising the Club, the present one even now is left on all Night; and, is obtrusive to us, seemingly, such establishments, can get whatever they want, at the cost of near-by residents, no doubt the new one when it goes up, will be even worse, the building being very much higher, we object most strongly to this, probable extra inconvenience,

i wish to make a formal complaint against the above planning application in particular the noise aspect

The Noise Management Consultant company study which was carried out over the weekend 10-13 November 2017 is totally flawed and a fresh study be carried out for the following reasons

1) the noise assessment was carried out over 1 weekend only , (52 weeks in a year) these results can vary dramatically depending on changing meteorological conditions which can easily cause fluctuations in sound by 10 - 20 db, ground conditions, wind direction, Atmospheric absorption of sound, temp variation all have a dramatic influence Obstacles and barriers significantly affect sound transmission .
The more direct line of the sound transmission point to source the less fluctuation in noise

2) the assessment was carried out in November, most people are not prepared to venture out onto the club decking when it is cold wet and dark, (not a true reflection of the noise that is coming from the club during the summer months)

3) The group stopped play at 11:45, this is very unusual as when a group is playing it is well after 12:45 before they finish, (the noise nuisance team have twice caught the club playing music after its midnight licence, i have personally complained about noise from bands playing on 10 occasions to the noise nuisance team, i have also been present when this has happened as i am a member of this club)

4) the club where fully aware of the Noise study being carried out, (The club commissioned the study) Making sure they kept noise to a minimum and within their music licence conditions.

5) the location of NSR 2 (noise sensor receptor) is not in the direct line of the source of the noise (patio doors leading onto decking) the NRS 2 was place in a heavily overgrown shrubbery with large trees to either side causing a direct barrier to noise.

i am quite happy to have a NSR placed upon my bedroom window which is in direct line of the patio doors and decking with no barriers what so ever,

6) The report assumes that only 30 people will at any one time access the 1st floor balcony, ground floor decking and the smoking area, i consider this well underestimated, the club proposes the new function room to hold 150 people, the proposed balcony will only be a magnet for people to congregate on and admire the view, i would put a figure in excess of 50, during the summer month this year on the ground floor decking area i have counted in excess of 30 people sitting/standing on the decking until well after 11pm

7) The noise management consultancy company refers to figures and stats from the "Red Book noise type, The cricket club is not a night club or live music venue it is a cricket club in a residential area

8)With a proposed 1st floor added it has been proved that the higher the source is from the ground the less distortion and reflection the further it will travel, (the noise from the 1st floor created by 10 people will be heard louder than that from the same number of people on the ground floor.

9)The Management Control Proposals are unrealistic:-

The placement of notice to be quite are useless who reads these or even takes any notice, (NOT DRUNKEN PEOPLE ONLY INTERESTED IN HAVING A GOOD TIME) with no respect for local residence.

it is proposed to fit closing arms on the patio doors to make sure they close, this is easily over come by propping chairs against the doors to wedge them open, as is being carried out currently on the ground floor patio doors in full view of management and bar staff, decking

How can the club management be trusted?, they have on two occasions blatantly ignored their music licencing law being caught by the noise nuisance team, and on another 10 occasions by my self who has complained about both music noise and shouting from the decking to the noise nuisance team, (the noise nuisance team have only been monitoring the front of the building not the rear where all the noise comes from.

i have on several occasions spoken to the management on ways to reduce the noise from the decking (place the cricket screens in front of the patio doors after 8pm reflecting the noise back towards the club) none of which have been acted upon,

The management make a lot of noise about working with the community and local residence, i have seen none of this, coming to the conclusion that the management of the club are not to be trusted and have no respect for the residents concerns

Finally, Firtrees Drive is a cul de sac and has a residence of mainly retired people, from 9pm onward their is hardly any movement on the road, as one could say you can here a pin drop, the noise from the club is detrimental to our health and quality of life, causes myself to be woken up from my sleep and unable to get the necessary quality sleep on every occasion the club holds a function at weekends

Objection Mr & Mrs Parkar

I am emailing you to let you know of our disappointment in regards to an application that has been put in from the Cherry Tree Cricket Club ref 10/17/1278.

We would like to make sure our interest is put forward that we would like to object about the application, as it is not in our favour, we already have a lot of disruption with parking and many other issues that happen because of cherry tree club customers.

There is also a great amount of noise disruption during late hours of the night, as the days are now getting smaller and darker nights we can only hope that we have some consideration for residents of in this area.

Further to the revised planning application at Cherry Tree Cricket Club I wish to make the following observations.

The addition of a first floor balcony will significantly increase noise disturbance when used by a number of patrons, especially on warm evenings when there is reduced background noise from inclement weather. Based on previous history this is likely to cause increased disturbance to ourselves, at present we are unable to keep windows open on hot nights when events are held at the cricket club due to the noise levels emitted.

I note the noise assessment recommends that doors leading onto the balcony are kept closed during functions. I would question the practicality of this especially given that the ground floor doors and windows are kept open in the summer months until late into the night whilst the club is operating.

Even if doors were fitted with closures I suspect these would be held open using a chair or similar object and that the policing of open doors or windows would be extremely difficult without having someone permanently present at each door location.

Whilst the number of doors within the rear facade has been reduced the balcony can still be accessed by patrons.

We already suffer some noise disturbance within the summer months from the ground floor even though this is reduced due to the vegetation / bushes located on the site boundary. Any noise coming from first floor level will pass above the existing bushes resulting in increased noise levels.

Whilst I am not against the original application I object to the alterations due to the points noted above.

The following measures could be put in place or included as part of the planning consent to mitigate potential noise disturbance:

Ensuring the balcony is fully glazed floor to ceiling height.

Installation of air conditioning to mitigate the need to keep doors / windows open. Planting more sound absorbing screening to the site boundary.

Restricting access to the balcony only up to 9pm although this is dependent upon good management by the club operators and may be difficult to enforce.

If you wish to clarify any of the points noted above please contact me at your convenience.

Objection Joyce Helen Duckworth, 498 Preston Old Road, Blackburn

Item 4.2

I feel compelled to compose this letter to register my objection to the further expansion of Cherry Tree Cricket Club. I have inspected the plans and I am very unhappy with what I see. It is my opinion that the club has expanded as far as is necessary and should not be permitted to develop further, in size or permitted opening hours.

The owner / developers of this establishment are obviously business people, all very well but what about the local residents who now have an already extended clubhouse on their doorsteps. A brief glance around the locale will reveal three properties presently for sale (as at date above) is this just coincidence? I think not, if questioned the vendors of these properties will be reticent and probably not reveal the true reason (Cherry Tree Cricket Club) for selling, for fear of devaluation of their properties.

To clarify my opinion there is already underlying discontent with this establishment with most local residents in its existing form, without the planned possible extension. Upon inspection of the application it is proposed that the road leading to the clubhouse is to be widened and the existing long-established hedgerow is to be removed. What about the privacy of the adjacent properties and noise from vehicles, in particular taxis using this access, not to mention drunken behaviour which already exists.

As for the proposed second storey extension I feel that the existing development has expanded far enough. What about the two immediate established properties and other properties which will look at the rear elevation of this proposed development. I feel that the cricket club has expanded much more than it should and that cricket is only a front for a drinking and late-night venue for revellers. Recently the club has hosted a beer festival, what relevance has this to the game of cricket? Perhaps it should be renamed Cherry Tree Cricket Pub and Night Club.

As a footnote to my comments I must ask where the manager / owner / licensee / business partner (s) etc live? not in the immediate vicinity I would care to wager.

I eagerly await any comments you may have on this application, should it be approved it will only further change the nature of a residential area of Cherry Tree, which was at one time a quiet and peaceful place.

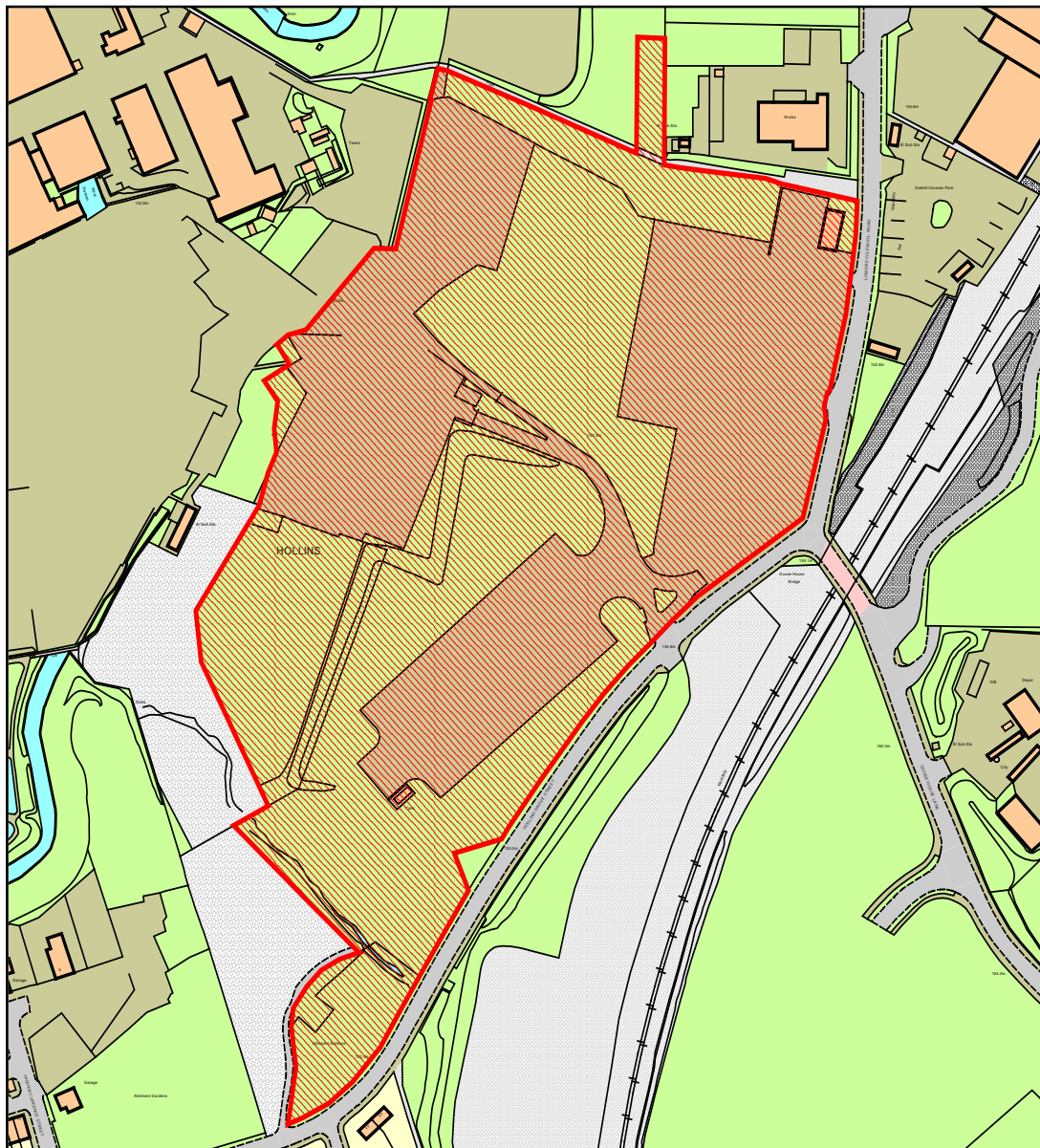
Proposed development: Full planning application for the erection of 152 dwelling houses and access and associated infrastructure

Site address: Former Hollins Paper Mill, Hollins Grove Street, Darwen

Applicant: Gleeson Regeneration Limited

Ward: Earcroft

Councillor Trevor Ian Maxfield	
Councillor Stephanie Brookfield	



1.0 SUMMARY OF RECOMMENDATION

Item 4.3

1.1 REFUSE

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Paragraph 7 of the National Planning Policy Framework (NPPF) details the three dimensions of sustainable development; namely the social, environmental and economic dimensions. Paragraph 14 emphasises a presumption in favour of sustainable development and states that decision-makers should approve development proposals without delay unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 2.2 In this case, the provisions of Paragraph 14 are engaged on the basis that the Council cannot demonstrate a five-year housing supply. Social, environmental and economic issues have however been identified and it is considered that these significantly and demonstrably outweigh any benefits which the scheme may generate.
- 2.3 This fundamentally includes the loss of employment land. In accordance with Paragraph 22 of the National Planning Policy Framework (NPPF), the loss of such land should only be accepted where it can be demonstrated that there is no reasonable prospect of the land being used for employment purposes. It is considered that the applicant has not adequately demonstrated this. The Council's Commercial Property Market Study (December 2015) produced by the BE Group confirms that there is a need for employment land in the borough and the retention of this site will assist in satisfying this need and achieving broader economic objectives, including job creation and business growth.
- 2.4 The use of the site for residential purposes would also prejudice the on-going operations of surrounding commercial uses, including existing night time activities. These activities would impact upon the general amenity of future residents and appropriate mitigation measures have not been incorporated into the development.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is located on the western side of Hollins Grove Street, Darwen. This site forms part of a larger land holding extending to the west and north up to and around land owned and occupied by Crown Paints.
- 3.1.2 To the south the site extends adjacent to the Hollins Grove Street and Surrey Avenue intersection. Land beyond this is used for residential purposes though smaller commercial land holdings also exist here. This includes a car breakers yard. Crown Paints occupies much of the land north of this and extending eastward.
- 3.1.3 The application site itself measures 6.3 hectares and is an irregular shape. The site slopes markedly in a number of directions, most notably downward from Hollins Grove Street to the west and south.

- 3.1.4 The site has remained vacant since 2012 when the previous occupier (Hollins Paper Mill) ceased operations. Large parts of the site remain covered by unkempt hardstanding used in association with the previous use. Low and medium scale vegetation extends across much of the balance of the site, including along the length of the Hollins Grove Street frontage.
- 3.1.5 The northern part of the site accommodates a sizeable pylon. This pylon stands adjacent to the Lower Eccleshall Road frontage. This roadway acts as the north-eastern property boundary and leads to the Crown Paints polymer plant a short distance to the north. A public footway extends along the northern property boundary adjacent to this polymer plant and provides access to the rear of Crown Paints.
- 3.1.6 To the east, across Hollins Grove Street, is a traveller's site. Based on Officer's observations following site visits, this site is only intermittently occupied.

3.2 Proposed Development

- 3.2.1 The following describes the proposed development as shown on the amended plans received on 30 January 2018. These amended plans supersede all previous versions of the application plans.
- 3.2.2 The application seeks permission to change the use of the land from general industry (Use Class B2 in accordance with the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments) to residential (Use Class C3) and construct 152 two-storey dwellings.
- 3.2.3 Of these 152 dwellings, 53 would comprise two bedrooms (34.8%), 90 would comprise three bedrooms (59.2%) and nine would comprise four bedrooms (5.9%).
- 3.2.4 All dwellings would be clad in face brickwork and feature pitched gable end roofs. A number of the dwellings would also feature separate garages finished to match.
- 3.2.5 Access to the site would be obtained via a new roadway extending westward off Hollins Grove Street. This roadway would also provide access to the rear of Crown Paints in place of an existing roadway (Hollins Road). Though this roadway exists on title it is not generally recognisable on site. Notwithstanding this, both the subject site and Crown Paints benefit from access rights along it from Hollins Grove Street to the east to Blackburn Road to the west.
- 3.2.6 This roadway would act as the main thoroughfare leading through the site and would provide access to secondary streets. The roadway and secondary streets would provide direct access to all but seven of the proposed dwellings. These seven dwellings are physically separated from the remainder of the site by a proposed public open space and may be accessed directly off Hollins Grove Street.
- 3.2.7 Given the topography and irregular shape of the site, many individual plots are also irregular in shape and size. This will result in the provision of a number of sizeable plots and private open spaces. These open spaces complement three separate public open spaces on site. Two of these are

generally aligned north-south and divide the upper eastern part from the lower western part of the site. Item 4.3

- 3.2.8 The northern-most public open space would abut a new bund to be constructed around the southern and western sides of the Crown Paints polymer plant. This bund would abut the public footway extending along the northern property boundary and providing access to the rear of Crown Paints. The applicant has advised that this footway would be diverted to accommodate the bund and it is understood that an application for such will be submitted in due course.

3.3 Development Plan

- 3.3.1 The Development Plan comprises the Core Strategy (January 2011) and the adopted Local Plan, Part 2 (Site allocations and Development Management Policies – December 2015). The following Core Strategy and Local Plan policies are of relevance to this application:

3.3.2 Core Strategy

- CS3 - Land for employment development
- CS4 - Protection and re-use of employment land
- CS5 - Location of new housing
- CS7 - Types of housing
- CS8 - Affordable housing requirements
- CS16 - Form and design of new development
- CS21 - Mitigation of impacts/planning gain

Local Plan, Part 2

- Policy 1 - The urban boundary
- Policy 7 - Sustainable development
- Policy 8 - Development and people
- Policy 9 - Development and the environment
- Policy 10 - Accessibility and transport
- Policy 11 - Design
- Policy 12 - Developer contributions
- Policy 15 - Secondary employment area
- Policy 18 - Housing mix

3.4 Other Material Planning Considerations

Item 4.3

3.4.1 Residential Design Guide Supplementary Planning Document

This document seeks to ensure that new housing is high quality. The document also encourages housing that reflects the individual and collective character of the different areas of the borough. This document also seeks to ensure that new housing achieves an acceptable standard of amenity and does not impact upon the amenity of surrounding development.

3.4.2 National Planning Policy Framework (NPPF)

This application implicates a number of the provisions of the National Planning Policy Framework (NPPF). The key issue for consideration is the loss of employment land to accommodate new residential uses. Paragraph 22 of the NPPF states:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Paragraph 123 is also of relevance. This paragraph states:

Planning policies and decisions should aim to...

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.*

3.4.3 Commercial Property Market Study (December 2015)

This document provides an assessment of employment land needs across the borough. These needs have been drawn from surveys of relevant stakeholders, including local business operators, developers, scheme managers and property agents. The study concludes that there is a need for a range of different size and type of employment units and land in the borough. The study includes a list of key opportunity sites where identified needs could be accommodated.

3.5 Assessment

The principle of the use

- 3.5.1 The Blackburn with Darwen Local Plan, Part 2 (Site Allocations and Development Management policies) (LPP2) states that job creation is fundamental to the borough's long-term future. Paragraph 3.1 of the Local Plan states *we need to continue to support and grow our key sectors including manufacturing, health and education to develop the parts of our economy that provide the highest levels of innovation and added value and to*

ensure that the right opportunities exist for entrepreneurs to start their own businesses so that the value created through the growth of new businesses is captured within our area.

- 3.5.2 Paragraph 3.2 states that the planning process can assist in achieving this broad objective by allocating and maintaining a portfolio of employment land suited to a broad range of businesses, including large scale spaces in traditional commercial areas. This is complemented by Paragraph 3.7 which states that *our future prosperity depends on the ability of existing and new businesses ...to continue to create jobs. In order for this to happen, there needs to be a supply of good quality, ready to develop land for employment development...*
- 3.5.3 The provisions of Paragraphs 3.2 and 3.7 are of particular relevance to this application and represent the starting point of this assessment.
- 3.5.4 In addition to these paragraphs, consideration must also be given to Paragraph 3.3. This paragraph recognises that the borough is part of a wider context, now overseen by the Lancashire Local Enterprise Partnership (LLEP). The LLEP's remit is to lead economic activity and foster job creation. This includes up to 50,000 new jobs to 2021.
- 3.5.5 Chapter 3 of the Local Plan allocates key sites for employment use. The re-use of these sites for employment purposes will assist in achieving the broader economic objectives of the Local Plan and those of the LLEP.
- 3.5.6 Allocated sites include the adjacent parcel to the east across Hollins Grove Street (noted as site 13/11 - Hollins Grove Development Site) and the site further east (13/12 - Darwen's Chapels Park). These two sites together measure 8.35 hectares and represent 8% of the total employment land allocation (105.5 hectares) in the borough up to 2026. These sites are noted as being suitable for office, light industry and general industry.
- 3.5.7 Whilst the application site is not itself allocated in Chapter 3, the allocation of the adjacent sites to the east together with the existing Crown Paints complex to the west, warehousing uses to the north-east, Express Asphalt to the south-east and car wreckers to the south, confirm this area as an employment zone. As previously noted, in the interests of safeguarding the long-term future of the borough, Council has a responsibility to allocate and maintain a portfolio of employment land. Only the maintenance of this land will assist in the achievement of the Council's economic objectives and those of the LLEP.
- 3.5.8 It is considered that the change of use of the subject site to residential would not only undermine the stated objectives of the Local Plan and the LLEP, but also prejudice the on-going operations of existing surrounding commercial operations. Indeed Crown Paints, the borough's largest employer, has foreshadowed this in its objection to the application.
- 3.5.9 Crown Paints' long-term vision includes the construction of new manufacturing and research and development facilities. This would generate new local jobs in accordance with the objectives of the Local Plan and the LLEP. Efforts to achieve this should be supported.
- 3.5.10 Whilst Crown Paints' future development plans have not yet been formalised by way of a planning application, the potential effect of the proposed

development upon the on-going operations of surrounding commercial uses is indeed a material planning consideration in accordance with Paragraph 123 of the National Planning Policy Framework (NPPF). However, Members should be aware that Crown Paints formally submitted a planning application on the 22nd February for proposals at the adjacent Polymer Plant (Ref: 10/18/0151) comprising of:

Installation of six 70m³ tanks with associated ancillary equipment, pipework and pipe bridges including two storage bunds to contain the six tanks. Creation of a hardstanding yard area between the two storage bunds to enable tanker loading/unloading and to turn on site. Relocate 1.8m green palisade boundary fence line by 20m into adjacent land to the North of the site. Installation of a secondary site entrance with fencing and gates onto Eccleshill Road (normally kept closed). The access point will be used during construction and for future access into the adjacent land.

At the time of the meeting, this application is currently being considered. In addition, members should be aware of an extant planning permission on Land at Motorhog, Goose House Lane, to the south east of the application site (ref: 10/16/0425, granted 14th September 2016). Condition No.4 is pertinent in the assessment of the current planning application that references noise sensitive premises ie dwellings to protect them from excessive noise, it states:

“Noise from the proposed development at noise sensitive premises in use at the time of this permission will not be impulsive or tonal and shall not exceed LA90 46 dB between 07:00 and 23:00 and LA90 40 dB between 23:01 and 06:59. The interval over which the specific sound level is determined will be 1 hr during the day and 15 minutes at night.

REASON: To ensure appropriate hours of use compliant with the requirement to minimise noise impact on residential amenity in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).”

- 3.5.11 As previously noted, this paragraph states that *planning policies and decisions should aim to ...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they established.*
- 3.5.12 The proposed development might also prejudice the operations of Express Asphalt. This local business provides asphalt for highway repair works to both the Council and Highways England. Given repair works are often required outside peak times, including at night, Express Asphalt operate 24 hours a day when required. This often results in heavy lorry movements along surrounding streets (including Hollins Grove Street and Lower Eccleshill Road).
- 3.5.13 Express Asphalt is concerned that a sensitive land use adjacent to its haulage routes would likely prejudice its future operations. This should be considered in the context of Paragraph 123 of the NPPF.
- 3.5.14 By both Express Asphalt’s and Crown Paints’ own admissions, both would be a nuisance to any new residential development in close proximity. In an established employment area such as this and where additional B1, B2 and

B8 uses are encouraged in accordance with the Local Plan (refer below), the on-going operations of these uses should take precedent. Again, ~~item 4.3~~ assist in the achievement of the broader economic objectives of the Local Plan and those of the LLEP.

- 3.5.15 In accordance with Policy 15 of the Local Plan, the site is regarded a 'Secondary Employment Area' and indeed its lawful use is 'general industry'. Policy 15 states that:

Within the Secondary Employment Areas as defined on the Adopted Policies Map, planning permission will be granted for development in Use Classes B1, B2 and B8, and for other uses with a clear requirement to locate in a commercial area, provided that an appropriate overall balance of uses will continue to be maintained in that Area.

- 3.5.16 Paragraph 3.11 of the Local Plan states that *secondary employment areas are of considerable importance to our local economy since they employ large numbers of people and allow businesses to start and grow...* This paragraph reiterates that secondary employment areas are suitable for a range of B1, B2 and B8 uses on the basis that these are required to locate in established commercial precincts owing to the off-site effects they typically generate.

- 3.5.17 Again, any change of use of the site to residential would reduce the supply of land suitable for B1, B2 and B8 uses and this, in turn, would undermine the economic objectives of the Local Plan and the LLEP.

- 3.5.18 Policy 15 is supported by Policy CS4 of the Core Strategy which states:

The development for other uses of land in use for employment purposes will not be permitted unless ...it is demonstrated that the land is no longer capable of beneficial use for employment purposes within the life of the Core Strategy

- 3.5.19 The Council's Commercial Property Market Study, December 2015 (the Study) again highlights the importance of secondary employment areas to the local economy and their suitability for B1, B2 and B8 uses.

- 3.5.20 The need for additional land for these uses was highlighted in a survey of 50 of the borough's largest businesses. This survey informed the Study and confirmed that there is a 'strong desire for further growth' in the borough.

- 3.5.21 Of those businesses surveyed, 15 require new industrial space, four require warehousing space, four require office space and two require land. In total, those surveyed require up to 89,202 square metres of employment space. This includes up to three hectares of land (refer Paragraph ES.18 of the Study).

- 3.5.22 Importantly, the Study also revealed that there is demand for larger scale premises (known as 'big sheds') up to 20,000 square metres. Paragraph ES.15 states that key stakeholders (developers, scheme managers and property agents) confirm that when such premises come to market they are typically occupied swiftly.

- 3.5.23 This demand has, in recent years, been generated not only by the growth of local businesses but also inward investment. This is considered necessary if the LLEP's jobs target to 2021 is to be achieved.
- 3.5.24 The findings of the Study confirms that there is a need for employment land in the borough and the aforementioned Local Plan and Core Strategy policies seek to accommodate this in the interests of achieving stated economic objectives.
- 3.5.25 In response to the findings of the Study, and the concerns of Officers that the loss of this secondary employment site would undermine local needs, the applicant submitted an economic evaluation of the land. This evaluation concludes that any future employment uses on site would not be viable. This is based upon a number of identified site constraints, including:
- The varying levels of the site;
 - The existing culvert extending through part of the site;
 - The number of trees on site which would need to be removed to accommodate employment buildings and the difficulties typically associated with this;
 - Large scale buildings would be required to ensure a viable outcome and the scale and design of such buildings would likely impact upon the visual amenity of the surrounding area, including views from Darwen; and
 - The limited capacity of the existing local road network to accommodate the vehicle movements likely to be generated by employment uses on site.
- 3.5.26 It is considered that none of these constraints are insurmountable or could not be resolved via further investment in the site.
- 3.5.27 Site remediation matters (including works to levels and the re-alignment of the culvert extending though part of the site) may be funded by the LLEP and Growth Lancashire. The applicant's failure to consider funding streams such as these is a fundamental flaw in the methodology underpinning the submitted economic evaluation. To this end, it is considered that it cannot reasonably be concluded that future employment uses on site would be unviable without first understanding what financial support may be available.
- 3.5.28 Notwithstanding this, the applicant's own submissions with regard to previous expressions of interest for the site confirm that there is indeed a reasonable prospect of it coming forward for employment use.
- 3.5.29 Of the four expressions of interest previously received, it is understood that three did not proceed on the basis that the financial expectations of one or both parties could not be satisfied.
- 3.5.30 The specific reasons given by the applicant as to why these expressions of interest were either withdrawn or not progressed are:
- The land owner's reluctance to grant exclusivity to the site to one prospective buyer to enable that buyer to investigate site conditions;
 - The failure of another prospective buyer to secure finance; and
 - Failure to agree terms with another prospective buyer who put forward two offers.

- 3.5.31 Again, these reasons suggest that the financial expectations of parties were not met rather than there being a fundamental issue with the continued use of the site for employment purposes. Indeed it appears as though three prospective buyers had a genuine interest in the land with one putting two offers forward.
- 3.5.32 It is understood that the owner's reluctance to grant exclusivity to the site to one prospective buyer was due to the fact that at the time there were a number of other interested buyers. This again does not suggest there is no reasonable prospect of the site being used for employment purposes but rather the owner wished to maximise opportunities to sell the land.
- 3.5.33 Importantly, terms were agreed with one prospective buyer. This agreement proceeded to a particular point before the buyer withdrew their interest on the basis of site specific concerns. These primarily related to the location and nature of infrastructure extending through the site and the potential effects of this upon the buyer's preferred site layout.
- 3.5.34 Whilst these are legitimate concerns, they do not again confirm there is no reasonable prospect of the site being used for employment purposes. These are site specific constraints which can, via investment, be resolved. This might include the re-alignment or relocation of infrastructure.
- 3.5.35 Again, the funds necessary for this may be provided by the LLEP and Growth Lancashire and indeed both of these parties have expressed an interest in investing in this employment area. This includes the development of a masterplan incorporating much of the surrounding commercial land.
- 3.5.36 On this basis, it is considered that claims future employment uses on site would not be viable must be given little to no weight. Again, without considering third party funding it cannot conclusively be determined that there is *no* reasonable prospect of the site being used for employment purposes. This is the key policy test of Paragraph 22 of the NPPF and the primary matter Members must consider when determining the principle of the re-use of this secondary employment site for other purposes.
- 3.5.37 In an effort to address the provisions of Paragraph 22, the applicant submitted an appraisal of one possible development option for the site. This option comprises nine commercial units ranging in size from 650 to 5,574 square metres. This reflects the basic needs of local employers as identified in the Study.
- 3.5.38 The appraisal concludes that the option put forward is unviable. This is on the basis that sales returns would fall far short of the total built cost. The appraisal concludes that a loss of approximately 29% would be realised.
- 3.5.39 Notwithstanding this assertion the appraisal does not again consider potential third party funding, and as such, the Council's Consultant Surveyor has advised that the proposed option is indeed viable.
- 3.5.40 The Consultant Surveyor is of the view that the appraisal is not reflective of current market trends. This, together with other inaccuracies, has generated an anticipated outcome (29% loss on investment) which would not likely reflect the actual outcome. Whilst the Consultant Surveyor concedes that

further information is required to enable a more thorough assessment, based on the information submitted to date, the Surveyor has concluded that Item 4.3

- Notwithstanding the topography of the land, the site coverage of the proposed option (30%) is significantly less than the industry standard (40%). 40% site coverage represents an additional 8,850 square metres of rentable floor space;
- The per square foot rentals claimed by the applicant (£6) are below that which the market may otherwise demand. Importantly, smaller units generally demand premium rents and this has not been factored into the appraisal. An average per square foot rental of £6.25 should be applied. This would generate an annual rent return of £2,335,000 and not £1,656,000 as claimed by the applicant;
- The capitalised annual rents claimed by the applicant (9%) are typically associated with secondary accommodation (stock between 15 and 30 years old). Developments of this nature readily achieve 6.5% capitalised annual rents;
- Contingency costs totalling 5% of the total build cost are considered to be excessive. Typically these costs are 3%;
- Similarly, professional fees typically represent 8% of the total build cost and the applicant has claimed 10%; and
- The applicant has stated that an interest rate of 6.5% would apply. Given interest rates are at historic lows, it is anticipated that a 5.5% interest rate would likely be secured.

3.5.41 Taking all this into account and applying a land value of £730,000 (not £1 as stated by the applicant), the Consultant Surveyor concludes that a return of 15% would be realised. This is considered to be typical and therefore acceptable.

3.5.42 On the basis that it is considered that the applicant's submissions with regard to viability are flawed, the tests of Paragraph 22 of the NPPF have not been satisfied. To this end it has not been demonstrated that there is *no* reasonable prospect of the site coming forward for employment use.

3.5.43 To date, the Study remains the only independent evidence base which confirms local employment land needs and as such great weight should be given to it. The Study confirms that there is a need for a range of employment land and buildings. On this basis any permission to change the use of the site to residential would withdraw existing employment land from the market and need for this land has been identified. This, in turn, would undermine the aforementioned economic objectives of the Local Plan and the LLEP.

3.5.44 In response to the outstanding site constraints noted in the applicant's economic evaluation, it is noted that:

- Loss of trees - Whilst the applicant considers the loss of trees to be a site constraint with regard to employment development on site, the applicant does not appear to consider this to be a constraint with regard to the proposed residential development. To this end, two large clusters of trees towards the southern end of the site and near to the entry off Hollins Grove Street would be mostly lost to accommodate the proposed dwellings.

Notwithstanding the individual values of trees on site, including their habitat potential, given the site is an identified secondary employment

area, it is considered that great weight should be given to the preferences of policy to establish new employment uses here. This is not to say that the site should be cleared of trees, but that only those trees of value should be retained and incorporated into the redevelopment of the site. This would represent a balanced outcome which considers the preferences of policy as well as the need to retain valued landscape features in the interests of both amenity and habitat.

- Scale/design of employment buildings and amenity impacts - The applicant contends that any viable building form would likely impact upon the character and amenity of the area, including views from Darwen given the elevated position of the site. Whilst new building forms may indeed be large and visible from afar, this need not be obtrusive or visually harmful to the surrounding area. Any number of mechanisms could be employed to ensure a visually acceptable outcome. This includes the appropriate articulation of the form, use of high quality materials and provision of landscaping to soften the appearance of buildings. Indeed the provision of additional screen planting on site would off-set any loss of trees to accommodate the development. This would also provide additional habitat.

Whilst it may be argued that investment in design and the use of high quality materials only adds to capital costs, these concerns should be dismissed until the extent of any third party funding available to the site is quantified. Again, the applicant has not approached either the LLEP or Growth Lancashire to confirm if funding may be available to off-set start-up costs.

Notwithstanding all this, in an employment area such as this, more robust building forms are expected and given the elevated position of the site, it is considered reasonable to expect employment buildings to indeed have a presence upon the landscape. Again, via investment in design and the use of high quality materials, this presence could be positive.

- Capacity of road network - There is no evidence to suggest that the existing road network cannot accommodate the employment traffic which may be generated from the site. Notwithstanding this, should it be deemed necessary, contributions for highways improvements could be levied against any future employment development. This might include road widening, traffic control mechanisms and bridge strengthening works. Importantly, should planning permission be granted for the proposed residential development, contributions for highway improvement works would also be required.

Officers appreciate that this again represents added capital costs. Without first investigating potential third party funding streams however, the impacts of this upon viability cannot be quantified.

3.5.45 The applicant's economic evaluation also includes details of the marketing strategy employed to identify prospective buyers. This included the site particulars being sent to a number of local and regional government authorities, commercial property agents and identified developers and employers. Whilst responses were limited, the aforementioned expressions of interest were nevertheless received.

- 3.5.46 The applicant's failure to engage with the LLEP and Growth Lancashire as part of the site marketing exercise again represents a fundamental flaw. Had the applicant engaged with the LLEP or Growth Lancashire, any funding available to the site would have been made known and this may have attracted further expressions of interest. To this end, funding from the LLEP and Growth Lancashire might have been put towards start-up costs and this would reduce the investment required by prospective buyers.
- 3.5.47 Whilst it may be argued that additional housing is needed in the borough, and indeed the Council cannot at present demonstrate a five-year housing supply, it is considered that this alone does not warrant the siting of a new housing development in this location. Whilst the absence of a five-year supply renders locational housing policies out of date, it is considered that the adverse impacts generated by the proposed development would significantly and demonstrably outweigh its benefits in accordance with Paragraph 14 of the NPPF.
- 3.5.48 This includes in relation to the loss of required employment land and the impacts of siting residential uses in close proximity to established commercial uses and the likely resultant imposition of future operational restrictions. It has also not been adequately demonstrated that the effects generated by surrounding commercial uses can reasonably be mitigated and as such the desired level of amenity of future residents cannot be guaranteed.
- 3.5.49 These disbenefits confirm that the scheme does not represent a sustainable outcome. To this end, environmental concerns exist with regard to the amenity impacts likely to be generated by surrounding commercial uses. Again, the development would also make use of required employment land and this would undermine the economic objectives of the local plan and the LLEP. Of most concern is the fact that the development would hinder jobs growth. This is a key objective of the Local Plan. Graham Cowley Director Lancashire LLEP commented on the proposed development that it is imperative from the LLEP perspective that scarce employment land is retained to support GVA growth and job creation. The LLEP have identified the M65 as a Growth Corridor and have invested heavily in adjacent employment sites. The LLEP will continue to support the development of employment use along its length.
- Mr Cowley has no reason to question the viability of the former Hollins Paper Mill site for employment use and would confirm that no grant applications have been received by the LLEP to attempt to improve that viability. Bearing in mind the current housing supply proposals around the hospital and Roman Road as part of the Housing Zone, it is essential that this employment land is protected.
- 3.5.50 The siting of a residential development in this location would also likely generate issues of social exclusion. To this end, the site is not particularly well served by public transport and site and locational constraints do not readily allow for improved pedestrian connectivity to the surrounding area. It is also noted that the applicant has not yet committed to the financial contributions deemed necessary to improve connectivity. This issue, as well as issues of access, are discussed in further detail overleaf.

3.5.51 Notwithstanding the Council cannot currently demonstrate a five-year housing supply, in accordance with Paragraph 49 of the NPPF, applications ~~from 4/8~~ housing must nevertheless be considered in the context of the presumption in favour of sustainable development. As previously noted, this scheme does not represent a sustainable outcome and its impacts would significantly and demonstrably outweigh its benefits in social, environmental and economic terms. To this end, it is considered that the application should not be supported in the context of Paragraph 14 of the NPPF.

3.5.52 Importantly, it should also be noted that a new timetable for reviewing the Local Plan has now been adopted. This will ensure the maintenance of a pipeline of development to meet local needs. This includes a timetable for the provision of a five-year housing supply.

Access, parking and highway safety

3.5.53 Paragraph 32 of the NPPF states that applications for planning permission should only be refused on highways grounds where the residual impacts of a development are severe.

3.5.54 This is complemented by Policy 10 of the Local Plan which states that *development ...likely to generate large numbers of trips ...will only be permitted in locations which are conveniently accessible by existing or proposed public transport services.*

3.5.55 Notwithstanding the site is within the urban boundary and considered to be sustainably located, the development would be car dependent. This is largely due to the distance to public transport services, including regular bus services (approximately 500 metres) and railway services (approximately 1,770 metres).

3.5.56 Should the Council resolve to grant planning permission, it is recommended that contributions be sought from the developer for active travel infrastructure. This includes footways and cycleways linking the site to nearby services and facilities. The provision of such would provide for sustainable modes of access to/from the site and reduce resident's reliance upon private motor vehicles. This would, in turn, assist in achieving the objectives of Policy 10 of the Local Plan, Part 2.

3.5.57 In response to the original application plans, the Council's Highways Officer raised a number of technical concerns. This included the need to provide additional pedestrian links into the site adjacent to Plots 14 and 127 (off Lower Eccleshall Road and Hollins Grove Street respectively) and also from land adjacent to Plot 52 to the adjacent public footway.

3.5.58 The amended site layout plan submitted on 30 January shows new pedestrian links adjacent to Plots 52 and 128 (formerly 127) as recommended. Whilst these new access points would indeed improve access to/through the site, it remains unclear how the public right of way extending across the northern property boundary (and now directly accessible from adjacent to Plot 52) would interact with the bund enclosing the adjacent polymer plant. To this end, it is unclear if the right of way would need to be permanently diverted to accommodate the bund. This issue remains unresolved.

- 3.5.59 Whilst the proposed pedestrian/cycle links will indeed assist in facilitating sustainable modes of transport, given the location of the site it is considered that future residents will remain largely car dependent. As such, the design and layout of access ways and parking facilities must be appropriate.
- 3.5.60 The amended site layout plan responds to many of the aforementioned technical access and parking issues originally highlighted by the Highways Officer. This includes the provision of more level access ways, turning space forward of Plots 129 - 135 to enable vehicles to exit in a forwards gear and additional car parking spaces.
- 3.5.61 Technical issues however still persist. This includes the provision of some car parking spaces towards the rear of dwellings and the sizes of these, and other, spaces.
- 3.5.62 Ideally, all car parking spaces would be located at the sides or forward of dwellings to enable comfortable access. On the basis that many spaces are located towards the rear of dwellings, access may be problematic. This is compounded by the fact that the sizes of many spaces are less than that preferred. This includes many of the garages.
- 3.5.63 As a minimum, all open car parking spaces should be no less than 5.5 metres long and garage spaces should be no less than six metres long. These minimum standards have not generally been incorporated into the design and layout of parking facilities and as such the use of many spaces may prove problematic.
- 3.5.64 Similarly, it remains unclear if larger commercial vehicles can comfortably traverse the site. This is necessary on the basis that Crown Paints' benefit from access rights along the entire length of Hollins Road. As previously noted, this right of way extends through the site and it is intended that the primary roadway leading into the site off Hollins Grove Street would act as Hollins Road (if not in name then certainly in practice).
- 3.5.65 The applicant has not confirmed by way of the submission of swept path diagrams that larger commercial vehicles could access the rear of the Crown Paints' site and it is noted that two 90 degree turns would be required to achieve this.
- 3.5.66 Given this, and given the aforementioned concerns regarding the siting and sizes of many car parking spaces, it is considered that key access and parking issues remain unresolved.

Amenity impacts

- 3.5.67 Policy 8 of the Local Plan, Part 2, states that *development will be permitted where it can be demonstrated that ...it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself with reference to noise, vibration, odour, light, dust...*
- 3.5.68 The site is located near to a number of sources which generate amenity effects. This includes a Wastewater Treatment Works (WWTW), the adjacent Crown Paints polymer plant to the north, warehousing uses to the north-east, Express Asphalt to the south-east (including its off-site activities) and a car

wreckers to the south. Importantly, the adjacent polymer plant is able to operate 24 hours a day. Item 4.3

3.5.69 In response to potential noise, odour and light impacts, it is noted that:

Noise

3.5.70 Concerns have been raised by the Environmental Protection Officer relating to the proposed 1.8m high acoustic barriers which will provide protection for the rear gardens only. The streets and dwelling frontages will remain exposed to ambient noise levels from surrounding commercial uses.

3.5.71 In terms of both the noise and odour assessments both Environmental Protection and Environment Agency officers required additional information to be submitted. At the time of writing this report this additional information has not been submitted. If submitted before the Committee Meeting date they will be assessed and reported to the Members in the Update Report.

Odour

3.5.72 Concerns also exist with regard to the nearby WwTW. Whilst it is understood that this facility will soon be reconfigured, United Utilities (UU) advise that this will not likely include the removal or upgrade of those elements which may cause the most offense.

3.5.73 UU advise that the prevailing wind is from the north/west and as such the development site is in the path of odour plumes. These impacts are exacerbated by the fact that the pending reconfiguration of the WwTW will not likely include the installation of new odour control hardware.

3.5.74 As such on site mitigation measures are required to off-set odour effects. This might include a buffer zone along the northern property boundary. This would however require the reconfiguration of the site. Importantly, the extent of this buffer zone could only be determined following the completion of an odour dispersion modelling exercise and no such exercise has yet been undertaken.

3.5.75 On this basis, it cannot be conclusively determined that appropriate mitigation measures have, or could, be implemented to address odours generated from the WwTW.

3.5.76 Notwithstanding this, UU also questions the methodology underpinning the applicant's odour assessment. This includes surveys conducted over a short time period only (approximately six hours) and during winter months when odour strength is typically less than that at other times of the year. Given this, it is considered that the submitted assessment is not representative of the actual expected impacts.

Light spill pollution

3.5.77 Three light pollution assessments have been submitted and assessed (see paragraph).

Contamination

- 3.5.78 Policy 8 of the Local Plan states that ‘in the case of previously developed land, development will be permitted where it can be demonstrated that a scheme for remediation can be secured and this ensures an appropriate outcome and does not displace contamination’.
- 3.5.79 The Council’s Land Contamination Officer has raised no objection to the application. This is however subject to a condition being included on any permission issued requiring further targeted gas monitoring and soil sampling prior to the commencement of building works.
- 3.5.80 Importantly, based on the technical information submitted to date, the precise condition of the site remains unknown. Given this, the Land Contamination Officer has stated that the cost of any required remedial works could ultimately render the development unviable.
- 3.5.81 The Environment Agency (EA) has also raised no objection to the application. This is on the basis that it considers existing contaminants on site have not greatly impacted upon ground waters. This is however subject to further soil sampling.
- 3.5.82 The EA has also advised that should planning permission be granted, construction activities should be monitored to ensure that any contaminants found on site do not enter water bodies or ground waters.

Design and built form

- 3.5.83 Policy CS16 of the Core Strategy states that ‘new development should be of a high standard of design and must respect and reinforce local character.’
- 3.5.84 Policy 11 of the Local Plan complements this and states that *new development will be required to present a good standard of design and will be expected to ...demonstrate an understanding of the wider context and make a positive contribution to the local area.* Importantly, to determine the appropriateness of the design and layout of a new development, regard should be given to the provisions of the Council’s Residential Design Guide, Supplementary Planning Document (SPD).
- 3.5.85 In isolation, it is considered that the basic design and detailing of the proposed dwellings is acceptable. This design detailing would ensure an appropriate presentation to new streets and is representative of accepted residential design standards.
- 3.5.86 Notwithstanding this, the site would remain in isolation with only limited links to the adjacent residential area to the south. The site layout plan shows the only direct pedestrian link to the south would be along Hollins Grove Street. Given surrounding commercial land uses, it is considered that this is both insufficient and unsafe. This would, in effect, require pedestrians to share access along the adopted highway with heavy commercial vehicles.
- 3.5.87 Whilst the dedicated public footway extending across the northern property boundary provides access to the west, this terminates at Crown Paints and

does not provide for access to other public spaces. Whilst access rights would also exist along Hollins Road through Crown Paints to Blackburn Road, this would not be a desirable route as it would lead residents through a hostile industrial environment.

- 3.5.88 In addition to this, concerns persist with regard to the safety and security of public open spaces on site.
- 3.5.89 The topography of the site has resulted in the provision of open spaces generally extending north-south through the site, dividing the upper eastern part from the lower western part.
- 3.5.90 The layout of residential plots does not generally allow for the passive surveillance of these spaces. In many cases, the rear and side fences of residential plots enclose open spaces. Coupled with the steep topography of the site at certain locations, it is considered that the enclosure of open spaces would render these unwelcoming and, as such, unused.
- 3.5.91 Whilst it is considered that the basic presentation of the dwellings themselves is acceptable, this is outweighed by the fact that the site is not well-integrated with its surroundings. Indeed this surrounding area is, for the most part, not suited to this. This is a fundamental issue and reiterates officer's concerns regarding the siting of a new residential development within this established employment area.
- 3.5.92 The limited opportunities to provide links from the site to the surrounding area has resulted in an inward looking layout that does not respect or reinforce the local land use or built form character in accordance with the provisions of Policy CS16 of the Core Strategy.
- 3.5.93 This again highlights the unacceptable juxtaposition of the proposed development in the context of surrounding commercial uses. This, in turn, contravenes the provisions of Policy 11 of the Local Plan. As previously noted, this policy advocates development that *demonstrates an understanding of the wider context and makes a positive contribution to the local area*.

Planning obligations

- 3.5.94 In accordance with Policies CS8 and CS21 of the Core Strategy, qualifying residential developments should include an element of affordable housing. This is required either on site or by way of a commuted sum to be put towards housing off site. In total, 20% of new housing should be affordable. In this case, this equates to 30 dwellings.
- 3.5.95 The applicant has agreed to provide these dwellings on site via the 'Help to Buy' scheme. This scheme requires qualifying households to save a minimum 5% deposit upon which a government loan of up to 20% of the purchase price could be secured. A mortgage would be required for the remaining 75% of the purchase price.
- 3.5.97 The applicant has advised that the following dwelling types would be offered via the Help to Buy scheme:

- Two-bedroom semi-detached (10 of, comprising five '201' type units and five '202' type units); and Item 4.3
- Three-bedroom semi-detached (20 of, comprising five '301' types units, five '302' types units, five '309' type units and five '311' type units)

3.5.98 Importantly, three-bedroom dwellings are considered to be family units and Policy 18 of the Core Strategy expresses a preference for such.

3.5.99 Notwithstanding this, were Officers minded to support the scheme it is noted that no mechanism exists to secure the dwellings. This is on the basis that the applicant has failed to agree the nature and extent of other contributions required in association with the development.

3.5.100 In addition to affordable units, Officers had also previously advised the applicant that contributions would be required for:

- Off-site highways works (£304,000 (£2,000 per dwelling)) to be put towards the Darwen East Distributor Corridor;
- 'Green infrastructure' (£106,856) to be put towards open space and open space improvements in the surrounding area. This contribution is less than that which would otherwise be required (50% of the per unit contribution as noted in the Council's Green Infrastructure Supplementary Planning Document) on the basis that some open space would be provided on site; and
- Active Travel Infrastructure (£15,200) to be put towards the provision of footways and cycleways linking the site to the surrounding area.

3.5.101 These contributions were calculated with regard given to the viability assessment submitted in support of the application. This assessment concludes that any financial contributions required would undermine the viability of the scheme.

3.5.102 Having reviewed the viability assessment, the Council's Consultant Surveyor has advised that contributions totalling £2,480,000 could be sustained. In reaching this conclusion, the Surveyor questioned (inter alia) the per square foot sales values, contingency and marketing costs put forward by the applicant together with the desired profit (20%). Applying anticipated and typical sales values, costs and profits, the Surveyor concluded that the aforementioned requested contributions (totalling £426,056) could be comfortably sustained.

3.5.103 Whilst the applicant questioned this conclusion, no formal rebuttal was received in response. On this basis, the contributions Officers consider necessary to off-set the anticipated impacts generated by the development would not be provided. To this end, the required highways, open space and active travel infrastructure would not be made available and this would generate significant traffic, amenity and access issues for future residents.

Summary

3.5.104 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. As set out above, it is considered that the proposal would be contrary to a number of the policies of the plan.

- 3.5.105 Regard must also be given to the three dimensions of sustainable development as set out in Paragraph 7 of the NPPF. The NPPF states that these dimensions should not be considered in isolation as they are mutually dependent and that to achieve sustainable development social, environmental and economic gains should be sought jointly and simultaneously.
- 3.5.106 In this case, significant social, environmental and economic concerns have been identified and these concerns demonstrably outweigh any benefits of the scheme. Whilst the absence of a five-year housing supply engages Paragraph 14 of the NPPF, this paragraph emphasises the need to ensure that decisions still represent sustainable outcomes, notwithstanding the status of relevant policies. In this case, the lack of a five-year housing supply renders locational housing policies out-of-date however on the basis that the proposal generates significant and demonstrable disbenefits, it is considered to be an unsustainable outcome and therefore should not be supported in accordance with Paragraph 14.
- 3.5.107 In addition to this, the applicant has not adequately demonstrated that there is no reasonable prospect of the site being used for employment purposes. This is the key policy test in accordance with Paragraph 22 of the NPPF. Without this justification, Officers are of the view that the application must be refused.
- 3.5.108 Whilst certain site constraints exist, these are not considered to be insurmountable. Though the owner has not been able to sell or let the site for employment use, this does not align with identified demands and as such it is considered that other factors are impeding the re-use of the site for employment purposes. In the absence of any substantiated evidence to the contrary, Officers are of the view that this includes the current condition of the site and the investment required to bring it up to a useable standard and, as a consequence, the financial expectations of parties. These reasons do not constitute there being no reasonable prospect of the site being used for employment purposes, just that further investment is required in the site to ensure it is an attractive proposition to prospective buyers. Funding is available to assist with this however the applicant has not engaged with either the LLEP or Growth Lancashire to quantify this.
- 3.5.109 Technical highways and amenity-related issues also remain unresolved. To this end, certain parking and access arrangements are not satisfactory or appropriate additional noise and odour mitigation measures have not been provided at the time of writing this report.
- 3.5.110 It is also considered that the development would prejudice the ongoing operations of surrounding commercial uses by way of the likely future imposition of restrictions brought about in response to the adverse amenity effects generated by these uses. In the context of the allocation of surrounding land, it is considered that the operations of commercial uses should be prioritised.

4 RECOMMENDATION

Item 4.3

4.1 Refuse for the following reasons:

1. The proposed development would result in the loss of secondary employment land and the applicant has failed to demonstrate that the land is no longer capable of beneficial use for employment purposes, contrary to Policy CS4 (Protection and re-use of employment land) of the Blackburn with Darwen Core Strategy and the provisions of Paragraph 22 of the National Planning Policy Framework (NPPF).
2. The proposed development would prejudice the on-going operations of surrounding commercial uses by way of the likely future imposition of operating restrictions brought about in response to the adverse amenity effects existing commercial uses generate, contrary to the overarching objectives of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies) Paragraphs 3.1 and 3.7 and the provisions of Paragraph 123 of the NPPF.
3. The principle of a residential development of this nature in this location fails to recognise the wider context of the area and could not make a positive contribution to it in accordance with the provisions of Policy 11 (Design) of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies). The development would also undermine the prevailing and desired land use character of the area and as such contravenes the provisions of Policy CS16 (Form and design of new development) of the Blackburn with Darwen Core Strategy.
4. The development would generate a large number of vehicle movements and the site is not conveniently located with regard to existing and proposed public transport services so as to reduce resident's dependence upon private motor vehicles. Many on site car parking facilities are also substandard and this will discourage their use and likely result in on-street parking which will, in turn, impact upon traffic flows and highway safety. The residual impacts of increased vehicle movements and substandard parking facilities would likely generate severe on-site and off-site highway impacts contrary to Policy 10 (Accessibility and transport) of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies) and Paragraph 32 of the NPPF.
5. Insufficient information has been submitted to demonstrate how the proposed bund around Crown Paints' polymer plant would interact with the adjacent Public Right of Way (No. 252). As such potential impacts upon this public asset cannot be determined.
6. Insufficient information has been submitted to demonstrate that the amenity effects generated by existing surrounding commercial uses can reasonably be mitigated. This includes noise, odour and failure to mitigate these effects is contrary to the provisions of Policy 8 (Development and people) of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies).

7. The development would place undue strain upon the local highways network and green infrastructure and would not accommodate the active travel needs of future residents. The applicant is unwilling to contribute to improvements to, or the provision of new facilities to accommodate these needs and the viability assessment submitted with the application does not adequately demonstrate that the level of contribution required to mitigate the harm of the development could not be sustained. Whilst the applicant has agreed in-principle to provide affordable dwellings on site, the applicant has not agreed to a delivery mechanism and as such it has not been confirmed that affordable housing would be provided in accordance with Policies CS8 and CS21 of the Blackburn with Darwen Core Strategy.

5 PLANNING HISTORY

- 5.1 The applicant met with Officers on 13 December 2016 to discuss the proposed scheme. At this pre-application meeting Officers expressed fundamental concerns with the change of use of the site to residential.
- 5.2 Officers provided written advice to the applicant to this effect on 22 December 2016 (reference 7238).

6 CONSULTATIONS

- 6.1 Environmental Protection - Air Quality Officer -
- Conditions should be added to any permission issued requiring:
 - A non-road construction machinery emissions management plan;
 - The provision of electric vehicle charging points at each dwelling.
- 6.2 Environmental Protection -

Residential Amenity Impact: Acoustic & Odour Assessments

The following reports were submitted with this planning application:

- Hollins Grove Street, Darwen, BB3 1HF 'Planning Noise Assessment for a Proposed Residential Development' (Ref: RK2253/16414/Rev1) dated 09/08/2017.
- 'Proposed Residential Development, Darwen Hollins Paper Mill, Odour Assessment, Gleeson Developments' (Ref: 410.03044.00059 FINALv2) dated July 2017.

Both noise and odour assessments required additional information to be submitted. I await the submission of revised reports before I make my final comments.

Residential Amenity Impact: Light Pollution

The following reports have been submitted in respect of light amenity impact: Item 4.3

- Hollins Paper Mill 'Outdoor Lighting Report' (Project No. 18355) dated 16th November, 2017.
- 'Hollins Paper Mill, Darwen – Report On The Existing Lighting December 2017' (Rev B).
- 'Hollins Paper Mill, Darwen – Report On The Existing Lighting February 2018' (Rev C).

Light Pollution: Glare Assessment

Revision C of the report: Sections 5.1.1 'Area 1' and 5.1.2 'Area 2' identifies that light glare cannot be determined in respect of these areas at the Crown Paints site until the development site is under construction. If there is a suitable and sufficient remedy to prevent excessive glare, should this development be approved, I would suggest that the assessment is undertaken at a stage of development when the glare can be quantified and appropriately remediated as necessary.

Light Pollution: Light Intrusion

The final report (Revision C) indicates a level of light intrusion that is unlikely to cause significant adverse light pollution.

Planning Decision

If this application is recommended for approval, planning conditions will be required in respect of the following:

1. **Construction Phase:** dust, noise & vibration control scheme
2. **Air Quality:** Good practice mitigation prescribed in EPUK/IAQM guidance document.
3. **Ground Contamination**
4. **Light Pollution: Glare Assessment**
5. **Noise Mitigation Scheme** (incorporating dwelling ventilation suitable for thermal comfort)
6. **Odour Mitigation Scheme**

6.3 Coal Authority -

- The subject site is in a high risk area where mining features and hazards need to be considered, including a mine entry adjacent to the western site boundary and coal outcrops potentially subject to unrecorded coal workings at a shallow depth.
- Notwithstanding this, the geotechnical and geo-environmental assessments submitted with the application are sufficient and satisfies the

requirements of the National Planning Policy Framework (NPPF). No objection to the application on this basis. Item 4.3

6.4 Education Officer -

- Notwithstanding local primary schools are at capacity there is not at present sufficient evidence to request contributions for additional school places.

6.5 Environment Agency -

- The site investigation reports submitted together with the application confirm that the contaminants present on site have not impact greatly upon ground waters. This includes Total Petroleum Hydrocarbons (TPH);
- Any new boreholes drilled to further assess site conditions should not enable ground waters to migrate into underlying formations;
- Additional sampling and assessments of the adjacent stream should be undertaken. This stream should be continuously monitored during the construction phase to ensure no contaminants enter the water course;
- Further information is required with regard to the ground water that has been analysed. Was this groundwater taken from a continuous water body or was it perched?; and
- If site levels are to be lowered below the water table, ground waters will need to be appropriately treated/managed.
- The noise assessment provided in support of this application concludes that an adverse noise impact would be present at the properties closest to the Crown Paints Polymers site. It is proposed to mitigate this by the construction of a 3m high screening bund with an additional 3m of acoustic fencing on the top of the bund. However, no assessment has been provided to demonstrate that this will provide credible mitigation for the properties closest to the industrial site. We can confirm that the Environment Agency is aware of the potential expansion of the Crown Polymer site and that pre application discussions regarding the implications for the Environmental Permit are ongoing. The potential changes are notable in terms of both the scale and the proximity to the proposed housing development.
- The Crown Paints Polymer site is permitted by the Environment Agency and the Agency has concerns that the proposed development is contrary to paragraph 123 of the National Planning Policy Frame Work which states.... “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”
- Air Quality Assessment
- The Environmental Permit for the Polymer Plant specifies emission limits for emissions to air for class B VOC’s. The air quality assessment provided in support of this application contains no assessment or information relating to the emissions from the permitted site. The development would add new residential receptors in close proximity the

site, and the construction of the proposed screening bund and associated acoustic fence is likely to adversely affect the dispersion from the emission points.

- Overcoming our objection
- The applicant can overcome our objection by submitting further information that covers the deficiencies highlighted above.
- We ask to be re-consulted with the revised information. We will provide comments within 21 days of receiving formal re-consultation. Our objection will be maintained until details have been received.

6.6 Environmental Housing and Neighbourhoods Officer -

- Concerns exist that service vehicles may not be able to access some properties given the widths of roadways and the turning space provided in cul de sacs;
- Sufficient space exists for rubbish bins.

6.7 Highways Officer (Travel Plan) -

- The original Travel Plan submitted in support of the application included a number of inaccuracies. This included with reference to local transport services and increased frequency rail services running from Blackburn station to Manchester from December 2017. The Travel Plan did not also include sufficient reference to the strategic cycle network and Witton Park cycle centre and did not adequately promote the nearby Weavers Wheel cycle route.

In response to the revised Travel Plan submitted on 13 November, the Highways Officer stated:

- The Travel Plan has now been updated as previously requested;
- Upon further reflection, contributions should be sought from the applicant for the provision of active travel infrastructure, particularly for safer cycle ways and pedestrian routes to key local services and facilities;
- The site is poorly located with regard to transport services. The nearest regular bus service is more than 500 metres and the nearest train station 1,770 metres from the site;
- Being located in a largely commercial area, transport services may not be safely accessed on foot or by bicycle;
- Given this, it is considered that this is a largely car dependant development rather than one which would be served by safe and sustainable transport modes.

In response to a subsequent iteration of the Travel Plan submitted on 14 December, the Highways Officer stated:

- The Travel Plan has now been amended in accordance with previous advice; Item 4.3
- Upon further reflection however, and given the sites location, it is considered that a contribution for active travel initiatives should be required. This contribution should total £15,200 (£100 per dwelling) and would be put towards the provision of safer cycle ways and pedestrian routes linking the site to key local services and facilities. Being located within an employment area, safe access to local services and facilities is problematic.
- The contribution might also be put towards directional signage to Weaver's Wheel, Spoke B and/or a travel survey incentive fund for future residents and/or a monitoring and evaluation fund.
- The site is not otherwise well-connected to sustainable forms of transport. The nearest bus service is in excess of 500 metres from the site and the nearest train station is 1.7 kilometres;
- The site therefore lends itself to a car dependent development;
- An action plan should be devised to ensure the measures noted in the Travel Plan can be achieved.

6.8 Highways (Transport Assessment) -

- The Transport Assessment does not comprise all matters agreed with Highways Officers during pre-application discussions;
- Car and bicycle parking spaces have not been allocated to individual dwellings;
- Given the number of sizes of dwellings, it is considered that 310 car parking and 302 bicycle parking spaces should be provided on site and these should be allocated in accordance with Council's standards;
- The junction capacity assessment submitted in support of the application references 2016 data and does not account for growth since;
- A contribution should be required for improvements to bus stops along Lower Eccleshill Road;
- Additional pedestrian access points to the site should be provided off Lower Eccleshill Road near to Plots 14 and 127 and off the public footway extending across the northern property boundary and adjacent to Plot 52.

6.9 Highways Officer (site layout) –

In response to the original site layout plan, the Highways Officer stated:

- The proposed bund wall around the polymer plant would obstruct access along Public Footpath 252. This footpath is however non-definitive;
- Notwithstanding this, the realignment of the footpath contradicts current local policy;
- Many of the proposed car parking spaces (including within garages) are too small;
- Garages parking spaces should be a minimum of three metres wide and six metres long and driveway parking spaces should be a minimum of 5.5 metres long;

- All parking spaces should be provided at the front of dwellings. Many spaces are towards the rear and these spaces are not typically used;
- Owing to the slope of parts of the site, many parking spaces may not be accessible in poor weather;
- Any drive servicing more than three properties should be of an adoptable standard;
- Space should be provided to enable vehicles to turn and exit from Plots 128 - 134 in a forwards gear onto Hollins Grove Street;
- Swept path diagrams showing three axel refuse vehicles can comfortably traverse the site are required for further assessment;
- Visibility splays should be provided alongside all parking spaces. This includes boundary treatments adjacent to spaces which should be kept low;
- Details of the sightlines at the entrance to the site are required for further assessment, this includes the landscape treatment along the entry roadway.

In response to the amended site layout plan submitted on 30 January 2018, the Highways Officer stated:

- The total number of car parking spaces now provided on site has increased and this is welcomed;
- Those car parking spaces located at the rears of dwellings are not however easily accessible and these spaces should be relocated to the fronts of dwellings;
- All car parking spaces should be a minimum of 5.5 metres long. Some spaces appear to be less than this. This might include garages, the minimum sizes of which have not been confirmed;
- Gradients, swept paths and visibility splays are generally acceptable however details of boundary treatments have not been provided. These should be low to maintain visibility;
- The layout of the roadway is lacking in detail. Details of all traffic calming measures should be required by way of a condition on any permission issued;
- Whilst the roadway maintains Crown Paints' right of access, no swept path diagrams have been provided confirming larger commercial vehicles can comfortably traverse the site; and
- Land should be acquired for highway improvement works along Goose House Lane. This requirement should be included in any legal agreement.

6.10 Lancashire Archaeological Advisory Services -

- The site has a history of use dating to 1392 when it accommodated a water and corn mill;
- Any redevelopment of the site would likely therefore encounter medieval and later remains;
- Any such remains encountered would need to be radio carbon dated;
- More recently, it is known that the site accommodated cotton spinning works prior to 1849. Textile mills such as this are of great importance as these assisted in shaping the landscape and communities of the north-west;

- An assessment of the site is required as it may be the case that elements associated with the power system of the mill may be present; Item 4.3
- Should Council resolve to permit the development, a condition should be included on the decision notice requiring the submission and approval of a programme of archaeology work for the site.

6.11 Lancashire Constabulary -

- General layout/design advice provided including:
 - Cul de sacs maximise passive surveillance;
 - Access points through a cul de sac should be limited;
 - Avoid the provision of concealed recesses;
 - Public open spaces should be naturally surveyed;
 - Defensive planting can be provided so long as this does not impeded the natural surveillance of open spaces;
 - Public open spaces require ongoing maintenance;
 - The boundaries between public and private spaces should be clearly delineated;
 - Dusk to dawn lighting should be provided at the entries to all dwellings;
 - All doors and windows should be secure in accordance with Building Regulations;
 - All meters should be located in clear sight and near to front doors;
 - Car parking should be provided on site rather than on street. This reduces opportunities for vehicle crime;
 - Should Council resolve to permit the development, a condition should be included on the decision notice requiring the site to be secured during the construction phase.

6.12 Land Contamination Officer -

- No objection subject to a condition being included on any permission issued requiring further targeted gas monitoring and soil sampling prior to the commencement of building works.

6.13 Lead Local Flood Authority -

- No objection subject to conditions being included on any permission requiring the submission of a drainage scheme for the site based on the recommendations of the Flood Risk Assessment submitted with the application.

6.14 Public Rights of Way Officer -

- Public Right of Way No. 252 would need to be temporarily diverted to facilitate the construction of the proposed bund wall around the Crown Paints' polymer plant. A separate application is required for this.

6.15 Network Rail -

Item 4.3

- Concerns exist regarding the potential impacts of piling works associated with the development upon adjacent rail infrastructure;
- Concerns also exist with regard to the potential amenity effects of rail operations upon future residents.

6.16 Strategic Growth Team (Housing) -

- The development is acceptable in principle and assists in achieving the Council's growth strategy;
- The proposal also aligns with the Council's aspiration of creating home ownership at all levels;
- 20% of the proposed units should be affordable or a commuted sum provided for the provision of affordable units off site;
- Subject to viability, variations to the affordable housing requirement can be considered.

6.17 United Utilities -

- Conditions should be included on any permission issued requiring the submission of amended plans showing:
 - The provision of separate foul and surface water drainage systems including the details of each;
 - Details of the management and maintenance regime of these drainage systems;
 - The provision of a 10 metre exclusion zone along the alignment of the existing sewer which extends across the site. This would therefore require alterations to the proposed site layout or the diversion of the existing sewer at the applicant's expense.

United Utilities have also provided the following comments in relation to their adjacent Wastewater Treatment Works (WwTW) and the odour survey submitted in support of the application:

- The submitted odour assessment is a 'snap shot' only of potential odour impacts derived from approximately six hours observation conducted during the winter period when odour generation is at its lowest. As such this offers a very narrow perspective of potential off site odour impacts;
- The assessment states that the prevailing wind direction is either from the north or the west. Therefore the proposed new sensitive receptors are likely to be located within the path of any odour plume(s) generated from the adjacent Wastewater Treatment Works (WwTW);
- The assessment shows WwTW odour at the site of the nearest proposed dwelling;
- It is highly probable that 'odour strength' will be greater during the spring, summer and autumn periods. So odour is likely to be stronger at the same test locations and be noticeable/detectable over a wider area of the development site;

- The future WwTW reconfiguration will reduce the number of wastewater process units in use however it is highly probable that the assets ~~located~~ ^{at} the proposed dwellings will remain;
- It is not possible to determine if the odour detected is attributable to the assets which will remain after the reconfiguration of the WwTW;
- The contract for the reconfiguration of the WwTW has only recently been agreed and the scheme solution has yet to be finalised. It is not thought however to contain any specific clauses with regard to odour or odour minimisation. If it does contain any such provisions it is likely to be a 'no deterioration clause' which is of little use in this instance;
- It is likely that in the future any mitigation measures associated with the WwTW would be in the form of operational practice rather than the provision of actual odour control hardware (the use/installation/ maintenance of storm tank cleaning equipment for example).
- Based upon this there appears to be a residual odour risk associated with the frequency and duration of use of storm tanks and associated ancillaries and the condition to which they are left after a storm event (the quantity of solids remaining in the tanks).
- At present the level of risk cannot be quantified and this can only be assessed through a dispersion modelling exercise. Mitigation measures can be implemented but this might be at additional cost to the current contract.
- The developer should consider the provision of a buffer zone to the northern boundary of the development. The extent of this buffer could be optimised via a dispersion modelling exercise.

6.18 Viability Officer -

- Based on a review of the viability assessment submitted in support of the application, it is considered that:
 - Commuted payments totalling up to £2,480,000 could be sustained;
 - Contributions should be required for:
 - The Darwen East Distributor Corridor (£304,000); and
 - 'Green infrastructure' (£106,856). This figure represents 50% of the per unit contribution noted in the Council's Green Infrastructure Supplementary Planning Document (SPD) on the basis that some open space would be provided on site.

6.19 The application has been advertised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This included the display of five public notices around the site on 24 August 2017 and individual notices being sent to adjacent and nearby properties.

6.20 Four representations have been received in response to the application. The concerns of objectors are detailed in Section 9 of this report.

7 CONTACT OFFICER: Connor Perrott, Principal Planning Officer

8 DATE PREPARED: 2nd March 2018

9 SUMMARY OF REPRESENTATIONS

Item 4.3

1. Ms. Tracey Jones (resident) – 13th September 2017. The concerns of Ms. Jones are:

- The extent of the notification of the application was inadequate;
- The documents submitted with the application do not accurately show all surrounding land uses. The site opposite for example is not a caravan store but an approved traveller's site
- The impacts of the development upon local European Protected Species (EPS);
- The impact of the development upon the River Darwen and associated wildlife;
- The odour generated by the nearby sewerage works would impact upon the general amenity of future residents;
- The site is contaminated. This includes asbestos.
- The site is susceptible to flooding
- The lack of play space provided on site;
- The traffic generated by the development would exacerbate congestion in this area;
- The traffic generated by the development would impact upon the bridge at the intersection of Hollins Grove Street, Lower Eccleshall Road and Goose House Lane. This bridge is currently considered to be at capacity;
- The impact of construction works upon the general amenity of nearby residents, including by way of traffic congestion and the dust and dirt generated by construction-related activities.

2. Mr. Geoff Storey, Aggregate Industries UK Limited, High Roads, Nether Kellet, Camforth, Lancashire, LA6 1EA (operating as Express Asphalt, Goose House Lane, Darwen) – 19th September 2017. The concerns of Mr. Storey are:

- Aggregate Industries is located in close proximity to the site on Goose House Lane.
- Aggregate Industries provides asphalt to both Council and Highways England for local road repairs. This is often required at night and results in activity on site at night and also along local haulage routes, including past the subject site.
- The development would therefore prejudice the ongoing operations of Aggregate Industries.
- On this basis, it is considered that the proposed development contravenes the provisions of Paragraph 144 of the National Planning Policy Framework (NPPF) which seeks to safeguard mineral operations.

3. Mr. Nick Horsely, Minerals Production Association, 38-44 Gillingham Street, London, SW1V 1HU – 11th October 2017. The concerns of Mr. Horsely are:

- The proximity of the proposed housing to Aggregate Industries will inevitably prejudice the ability of this operator to continue to provide asphalt to both Council and Highways England. This may have a significant economic impact on Aggregates Industries;
- The proposed development contravenes the provisions of Paragraph 144 of the NPPF;
- If resolving to permit the development, the Council should ensure that appropriate mitigation measures are put in place so as to ensure that the future operations of Aggregate Industries is not prejudiced.

4. Mr. Graham Haworth, Crown Paints Limited, PO Box 37, Crown House, Hollins Road, Darwen, Lancashire, BB3 0BG – 21st September 2017. The concerns of Mr Haworth are:

- The subject site should be used for employment purposes, not residential.
- Crown Paints employs 500 staff and has occupied the adjacent site to the north-west for 10 years and the adjacent site to the north (polymer plant) for 40 years.
- Crown's operations have the potential to be nuisance to future residents of the development by way of:
 - Noise from polymer plant. This plant operates 24 hours a day such is the demand for the products it produces. Noise sources include silos, compressors, cooling tanks and security gates.
 - Other noise sources from the remainder of the Crown site including from the solvent based plant and emulsion plant, drum crushing machinery, the pallet park in close proximity to the application site and lorry movements;
 - Visual amenity due to the proximity and topography of the Crown site which cannot be mitigated.
 - Light pollution generated from the Crown site.
- Crown plan to further develop the polymer plant in the future and this may increase the effects generated by it.
- The further redevelopment of the polymer plant forms part of a wider proposal to consolidate Crown's operation. It is envisaged that in the future this site would accommodate Crown's manufacturing and research and development headquarters. Should housing be provided on the adjacent site, Crown may reconsider its future expansion plans and this may result in a reduction in operations and staffing.
- Crown has legal a legal right of way over entire length of Hollins Road which extends across the development site. Crown's access rights must be maintained.
- An 11KVA electricity supply serving Crown also legally extends through the site and access to this must also be maintained.

- A public footpath extends along the southern side of the polymer plant and the proposed bund around the plant disturbs this footpath. ~~Item 4.3a~~ is a legal requirement to maintain this footpath.
- The proposed bund would also not adequately protect future residents of the development in the event of a major hazard. The bund would limit emergency vehicle access to the plant.

5. Graham Cowley, Director of Lancashire LEP - 2nd March 2018:

“Dear Mr Richardson,

I am writing with reference to the Planning Application relating to the allocation of the former Hollins Paper Mill for housing.

It is imperative from the LEP perspective that scarce employment land is retained to support GVA growth and job creation. We have identified the M65 as a Growth Corridor and have invested heavily in adjacent employment sites. We will continue to support the development of employment use along its length.

I have no reason to question the viability of the former Hollins Paper Mill site for employment use and would confirm that no grant applications have been received by the LEP to attempt to improve that viability. Bearing in mind the current housing supply proposals around the hospital and Roman Road as part of the Housing Zone, it is essential that this employment land is protected.

I trust you will give my comments due consideration.”

Proposed development: Full Planning Application: Retrospective application for additional use of part of Woodland Cemetery for keeping / breeding of dogs. Retention of 3 no. related kennel buildings together with erection of 2 no. additional kennel buildings

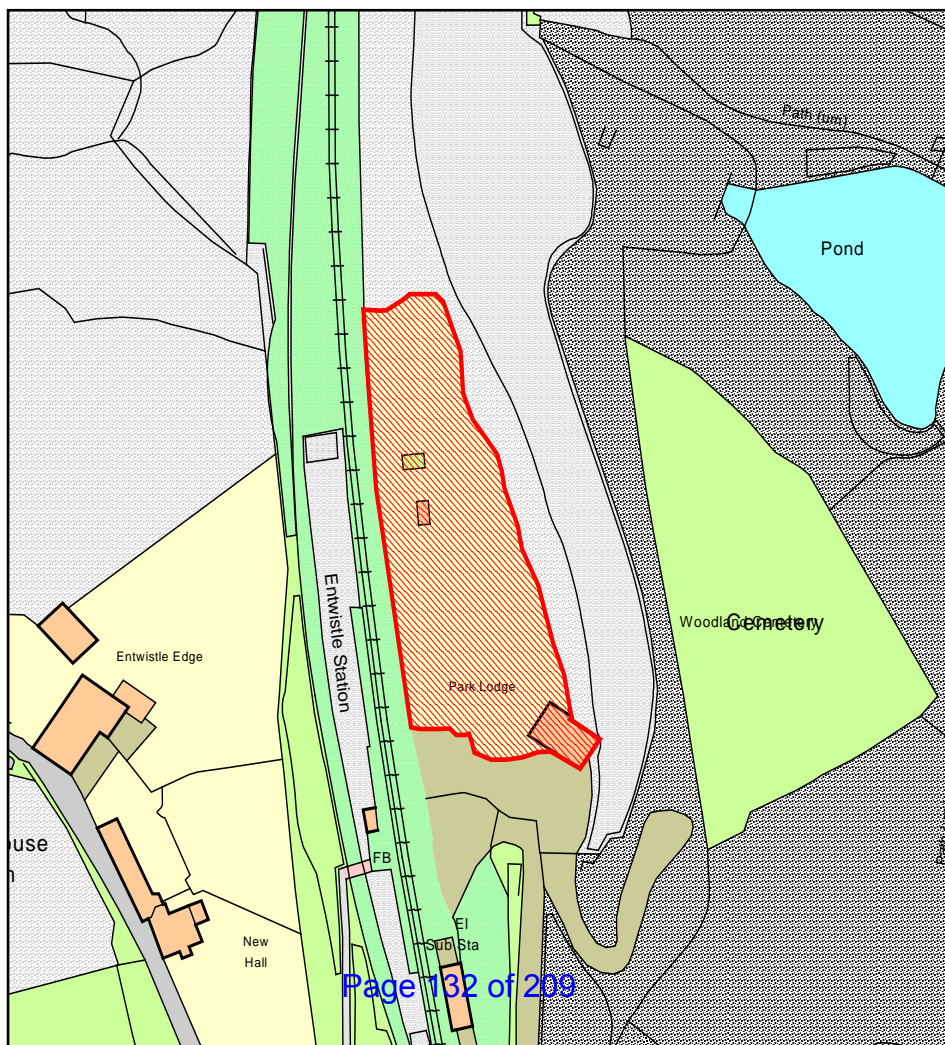
Site address:

**Park Lodge West Pennine Remembrance Park
Entwistle Hall Lane
Edgworth
BOLTON
BL7 0LR**

Applicant: Mr Christopher Gore

Ward: North Turton with Tockholes

**Councillor Colin Rigby
Councillor Jean Rigby**



1.0 SUMMARY OF RECOMMENDATION

Item 4.4

- 1.1 **Temporary 12 month approval** – subject to conditions set out in paragraph 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal seeks to regularise the existing unauthorised dog breeding use and associated 3no dog kennels, together with the erection of 2no additional kennels.
- 2.2 The dog breeding use and kennels were erected in May 2016 by full-time residents of Park Lodge; a building situated within the wider Woodland Park cemetery known as West Pennine Remembrance Park. The breeding activity relates to the commercial breeding of German Shepherd dogs which are supplied on an accredited basis to various police forces throughout the country. The dogs are kept exclusively in the kennels and not in the Park Lodge building.
- 2.3 Following the intervention of the Council's Planning Enforcement Team, in response to complaints from local residents alleging disturbance from barking dogs, authorisation was granted to take enforcement action by the Planning and Highway's Committee in July 2017. During the Member's Site Visit discussions were held with the applicant about the business. Enforcement action was, however, held in abeyance pending pre-application advice offered as to the likelihood of regularising the use. The application is submitted following receipt of the pre-application advice; notwithstanding the acknowledged issues it highlighted, particularly with regard to addressing noise disturbance.
- 2.3 At the time of the submission, a total of 10 German Shepherd's were kept on site; consisting of 4no breeding bitches (aged 3-5 years), 5no adolescent bitches (aged 1 -2 years) and 1no. stud dog (aged 4).
- 2.4 The applicant submits that the dog breeding programme is an accredited scheme certified by The Kennel Club; evidence of which is provided. The programme requires bitches between the ages of 2 – 8 years. They are restricted to one litter per year – capped at 4 litters in a lifetime. In order to maintain a continuous breeding programme, certain puppies are retained and developed through to adolescence (6 months – 2 years), as part of the progressive breeding stock.
- 2.5 As a general principle, the successfully assessed puppies are taken at the age of 8 weeks by various Police Force Dog Units for further development and specialised training with 'retired' breeding bitches being re-homed in strict accordance with Kennel Club criteria. The specialist dog police dog breeding programme has historically been provided by each Force but recent financial restraint has led to either the closure or scaling-down of in-house breeding and the resultant reliance on out sourcing to specialist breeders.

- 2.5 The 5no kennels are to provide for the age cycle development ~~from dogs~~ from puppies through to adolescence to breeding bitches with capacity for both whelping and medical isolation when required. The 2no types of kennels cater separately for both adult and young dogs.
- 2.6 The key issues to be addressed in assessment of the proposal are:
- Principle of the development
 - Noise impact on the Woodland Cemetery and nearby residential uses
 - Accessibility and transportation
 - Design
- 2.7 Careful consideration has been applied to the principle of the use / kennel buildings within the Green Belt setting and noise impact on the surroundings, as well as the design of the kennel buildings and the suitability of access, parking and manoeuvring arrangements; in full consultation with relevant Council consultees and neighbours. The principle of the use / kennel buildings is considered to be acceptable, consistent with the principle of the redevelopment of brownfield sites. Noise from barking dogs is recognised as potentially harmful to the surroundings, particularly the tranquillity of the Remembrance Park and nearby dwellings. The proposal has been considered in this context and proportionate weight has been applied to the likely effectiveness of the proposed noise mitigation. Given the absence of sufficient evidence that noise from the proposal will not prove excessively harmful to the surroundings and evidence to the contrary; it is considered reasonable to recommend a temporary 12 months permission, to allow the Council the opportunity to monitor the use over this course to establish whether or not generated noise is harmful to the surroundings. The proposal is otherwise acceptable in terms of design and accessibility / transport; in accordance with The Framework, the Council's Core Strategy and Local Plan Part 2 policies.
- 2.9 The dog breeding use has been granted a license by the Council.
- 2.10 It should also be acknowledged that personal / hobby level breeding of Miniature Schnauzers is also undertaken from within Park Lodge. This element is not, however, included in the assessment of the application.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site of 0.25 hectares accommodates an open paddock area and Park Lodge building. It is situated to the east of the Blackburn to Bolton railway line and to the west of the operational Woodland Cemetery. The confines of the application site and the cemetery are collectively known as the West Pennine Remembrance Park. The Park is privately owned and offers a choice of final resting ground for burial, interment or scattering of ashes. It is

recognised as a place offering a scenic environment for remembrance and peaceful reflection. Item 4.4

- 3.1.2 The application site is defined by a mature tree belt along its eastern length, which separates it from the Woodland Cemetery and a tree belt to west, which lines the edge of the railway embankment. The site is accessed from Entwistle Hall Lane, to the east of the railway bridge.
- 3.1.3 The Remembrance Park lies outside of the urban boundary and is located with an area of open countryside designated as Green Belt; in accordance with the Site Allocations Map of the adopted Local Plan Part 2.
- 3.1.4 The application site does not provide for public access and, in this sense, is detached from the Woodland Cemetery. The site is also recognised as former railway goods sidings and, as such, features ground conditions that are stone based and unsuitable for future expansion of the established cemetery area.

3.2 Proposed Development

- 3.2.1 Retrospective planning permission is sought for the additional use of part of the Woodland Cemetery for keeping / breeding dog's, including retention of 3no related kennel buildings together with the erection of 2no additional kennel buildings.

3.3 Development Plan

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS14 – The Green Belt
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes

3.3.4 Local Plan Part 2

- Policy 3 – The Green Belt
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport

- Policy 11 – Design
- Policy 41 – Landscape
- Policy 42 Equestrian Development

Item 4.4

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14).

3.4.2 Consistent with Local Plan Part 2 Policy3, Chapter 9 of the Framework sets out the principles of the protection of Green Belt. Paragraph 17 identifies the effective reuse of previously developed land that is not of high environmental value and paragraph 123 emphasises that decision making should identify and protect areas of tranquillity.

3.5 Assessment

3.5.1 Principle

The application site lies within the Green Belt. Local Plan Policy 3 reflects The Framework in setting out the general presumption against inappropriate development within the Green Belt which is, by definition, harmful. Local planning authorities should, therefore, ensure that substantial weight is given to any harm to the Green Belt and regard the construction of new buildings therein as inappropriate. Paragraph 89 of the Framework sets out the exceptions criteria to this which includes the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

3.5.2 The applicant submits that the existing dog kennels and those proposed are sited on “*previously developed land*”. The Framework offers the following definition of “*previously developed land*”: “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time*”.

- 3.5.3 Evidence submitted indicates that the application site was formally part of Entwistle Rail Goods Yard. Records reveal that the rail goods yard became disused in November 1959, save for a small section to the south that accommodates buildings to house electricity generators for rail signalling and provides open storage for Network Rail plant and machinery.
- 3.5.4 A walkover of the site reveals that the ground conditions are of a different character and appearance to those found in the area that accommodates the Woodland Cemetery on lower ground to the east. Although rail tracks have been removed, much of the ground still contains stone setts that formed roadways and paths through the site and platforms that secured hoisting equipment; consistent with submitted historic aerial imagery. The acknowledged contrast in ground conditions of the application site and the Woodland Cemetery are such that the two areas remain clearly discernible from one another, despite the length of time since the closure of the Goods Yard. Accordingly, the application site is accepted as '*previously developed land*', in accordance with the aforementioned definition.
- 3.5.5 Moreover, the ground conditions of the application site dictate its unsuitability for burial purposes, as an extension of the existing Woodland Cemetery.
- 3.5.6 Careful consideration should be applied to the impact of the existing and proposed dog kennels on the openness of the Green Belt, notwithstanding the acceptance of the previously status of the application site. The existing kennels are sited close to the eastern perimeter of the site, as defined by the mature tree belt that aligns its full length. The two additional kennels will infill the space between the two adult kennels and the puppy kennel; as indicated on the submitted site plan. The buildings are modest in scale, at circa 2.2 metres high at their highest point and circa 15 square metres in floor area. They are recognised predominantly from within the confines of the Remembrance Park. Views from elsewhere are largely obliterated by mature trees and the surrounding topography. Accordingly, within the context of the setting and having regard to the character and appearance of the former Goods Yard, the buildings are not considered to have any greater impact on the openness of the Green Belt or general landscape character than the former land use.
- 3.5.7 Proposed sound mitigation against barking dogs includes the erection of a 2 metre high close boarded acoustic fence which will shroud the kennels to the north, south and west at a distance of no more than 2 metres. The fence is recognised as benefitting from permitted development; in accordance with Schedule 2, Part 2, Class A of the (General Permitted Development) Order 2015 and is not, therefore, controllable under the planning application process.
- 3.5.8 The merits of the specialist police dog breeding programme being undertaken from the site is also considered to carry some material weight, as the only facility of its kind in the North West of England. It maintains an important service that has significantly diminished over recent years, due to budgetary pressures on Police Forces across the country. The breeders are

experienced dog handlers having formally been in the employ of Greater Manchester Police; assisting in the rearing of puppies and ~~training~~ both puppies and adult dogs. Moreover, the presence of occupiers of Park Lodge as resident overseers of the Remembrance Park is recognised as providing an important level of out-of-hours security.

3.5.9 Accordingly, the principle of the kennel buildings and the dog breeding use is considered to be acceptable.

3.5.10 Impact on surrounding amenity

Local Plan Part 2 Policy 8 requires development to secure satisfactory levels of amenity for surrounding uses, with reference to noise. The Framework, at paragraph 123 sets out that decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

3.5.11 A Noise Assessment was submitted in support of the application which identifies the amenity risks associated with barking dogs, in the context of the surroundings and offers and identifies proposed methods of noise mitigation. Findings as summarised as:

- 1) That noise from dogs barking when they are outside kennels and at exercise in the paddock area present greater potential for noise impact.
- 2) That despite particularly low levels of noise impact over the night-time period when there were higher noise levels at certain periods of the day when the dogs were in kennels.

3.5.12 The Noise Assessment has been reviewed by the Public Protection team who concur with the report's author that there is no clear guidance on how to assess dog noise and that the conclusions drawn, therefore, cannot be considered definitive.

3.5.13 The review concludes that physical mitigation of noise from barking whilst the dogs are outside will be difficult to achieve due to the sites topography. Mitigation options for reducing noise impact are as follows:

- A limitation on the number of dogs at exercise at any one time
- Supervision of dogs at exercise
- A limitation on the hours that the dogs would be permitted to exercise
- Introduction of noise mitigation measures to be incorporated into the kennel construction
- Introduction of a 2 metre high impermeable acoustic fence compound around the kennels
- Retention of the netted visual barrier along the boundary between the exercise area and the railway platform.
- No exercise (out of the kennels) during an interment service.

3.5.14 It is recognised that a significant number of objections have been received in response to the application, in addition to initial complaints received prior to its submission. The objections have a particular emphasis on dog barking and its impact on the tranquillity of the Remembrance Park and nearby residential

uses. Whilst the sensitivity of the cemetery use is very much acknowledged in the assessment of the application, proportionate weight must be applied towards the degree of intrusive noise generated and the benefits afforded by the methods of proposed mitigation. The Framework at paragraph 123 requires mitigation to be considered by use of appropriate conditions. Representations made alleging excessive dog barking is not currently supported by firm evidence of such. Public Protection colleagues have visited the site on a number of occasions when some barking has been observed. On one occasion 120 barks were observed during a 5 minute period. On other occasions no barking has been observed. Whilst it is accepted that persistent barking will have an adverse impact on the Remembrance Park and residential amenity, it is important to distinguish between audible noise and adversely audible noise; a level identified in policy as; *“significant adverse impacts on health and quality of life as a result of new development”*.

3.5.15 It is within the context of the rural setting, adjacent to a railway line and with regard to the proposed methods of mitigation that the assessment should be made. It is considered that the evidence currently available does not demonstrate a degree of harmful noise necessary to uphold a policy objection on grounds of unacceptable impact on neighbouring amenity. Similarly, the absence of evidence to the contrary does not lend full support to the application. Consequently, it is considered reasonable to recommend a temporary permission of 12 months, to be secured through application of an appropriately worded condition, to allow the Council the opportunity to monitor noise from the site and its impact on residential amenity and the tranquillity of the Remembrance Park; including the duration of interment services. It is argued that monitoring will form the evidence base of a future application at the end of the 12 month period to consider the suitability of a permanent use of the site for dog breeding. All proposed mitigation methods should be introduced to inform an assessment of their effectiveness within an appropriate timescale. The Council’s Public Protection team are in agreement with this approach.

3.5.16 Design / Landscape Character.

The moderate design and massing of the kennels and their siting against the bordering woodland, ensures a limited impact on the landscape character of the area; particularly considered in the context of the former Railway Goods yard land use.

3.5.17 The kennels, although utilitarian in appearance, are considered acceptable, given their limited prominence and their relationship with the Park Lodge building.

3.5.18 Impact on Highway Safety and Parking.

Vehicular access / egress at the site will be unchanged. The dog breeding use does not involve additional staffing and will not create a greater burden on the existing parking and manoeuvring area.

3.5.19 Summary

This report assesses the planning application for the proposed dog breeding use, retention of existing kennels and erection of two additional kennels. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation. In addition to the matters described above, local residents raised the following non material concerns:

Criticism of the management of the Remembrance Park.

Allegations of “Puppy Farming”.

The use of Park Lodge building; including a change in access arrangements to the welfare facilities in the building for visiting members of the public.

3.5.20 Other Matters

The alleged unauthorised occupation of Park Lodge building within the application site is acknowledged. The building benefits from planning permission for residential occupancy; in accordance with a floor layout approved in 2014, which includes two reception areas and an office that the general public have restricted access to. The permission is subject to the following condition:

“The occupation of the dwelling shall be limited to a person solely or mainly working in The West Pennine Remembrance Park or a widow or widower of such a person, and to any resident dependants”.

The current occupancy of the building is accepted as unauthorised by virtue of a departure from the aforementioned approved floor layout, due to one of the reception areas being permanently occupied as living space and unavailable to visiting members of the public. This situation does not form part of this assessment and will instead be addressed under consideration of a separate enforcement or application process, if the proposed dog breeding use is supported.

4.0 **RECOMMENDATION**

4.1 **Approve** – subject to conditions which relate to the following matters:

- Temporary planning permission - The approved use shall cease 12 months after the date of this permission. *
- Within 2 months the erection of the acoustic fence shall be in place adjacent to the kennel buildings and thereafter retained.
- Within 2 months the upgrading of the kennel buildings to incorporate the noise mitigation measures identified at para.8.2 of the Supporting Statement.
Retention of the visually restrictive netting between the Paddock area and the adjacent railway platform.
- A limit of no more than 6 dogs to be exercised at any one time within the Paddock Area and at all times under the supervision of the Kennel Operators.

- No use of the Paddock Area for the exercise of dogs outside the period of 0700 and 22.30 hours daily. Item 4.4
- No use of the Paddock Area for the exercise of dogs at any time during an interment service.
- Advanced written warning of scheduled interment service, to allow monitoring.
- Development to be carried out in accordance with the approved drawings.

* A further application before the expiry of the 12 month period will have to be submitted to consider a permanent use.

5.0 PLANNING HISTORY

5.1 The following planning applications relate to the application site:

- 10/99/0123: Change of use to Woodland Cemetery.
- 10/11/1211: Improvements and extension of existing Reception Building .
- 10/14/0731: Change of use of Reception Building to include residential accommodation for park overseers.

6.0 CONSULTATIONS

6.1 Public Protection

Concern expressed at potential for noise disturbance. The Following recommendations are offered:

Prior to determination, the developer should submit a written assessment of levels of noise from dog barking and the effectiveness of options for mitigating any adverse impact on users of the Remembrance Park.

That permission isn't granted for additional kennels, as this would increase the potential for more intensive use of the site and increase the likelihood of loss of amenity due to noise.

If the application is granted it is recommended that conditions are imposed requiring the works identified in 8.1 and 8.2 of the Supporting Written Statement, and an additional condition prohibiting the use of open-air fenced runs between the hours of 20:00 and 08:00.

6.2 Highways

No objection.

6.3 Turton Parish Council

Objection for the following reasons:

- Noise impact on the tranquillity of the Remembrance Park

6.4 Public consultation has taken place, with 5 letters posted to neighbouring addresses and a Site Notice displayed. In response, 34 letters of objection including a formal objection from local ward councillor Colin Rigby have been received which are shown within the summary of representations below. In addition, one letter of support has been received. Section 9 includes a selection of the objections received and the letter of support.

7.0 CONTACT OFFICER: Nick Blackledge, Planner - Development Management.

8.0 DATE PREPARED: 5th March 2018.

9.0 SUMMARY OF REPRESENTATIONS

Objection Barbara M Fairhurst

Dear Nick , please find this email as my objection to the developments of the west Pennines remembrance park , here I have laid my mother to rest along side my parent in laws . I do not believe this development is in keeping with the terms and conditions , originally that was sold to us as family to where we could mourn and visit our loved ones in peace . Kind regards

Objection David Comer, New House Farm, Edge Lane, Entwistle, Bolton

Dear Sir/Madam

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Being unfamiliar with the planning process I have only just been made aware of the supporting documentation, notably the noise report by Miller-Goodall and the Frank Whittaker supporting document.

It is clear that Frank Whittaker & Mr Gore have had sight of the noise report & I would also like to comment on it & their supporting document.

With regards the noise document these are my comments:

1. THE NSR point is Mr Gore (the applicant's) mother-in-law's property. Therefore the noise assessment at both points was done in full knowledge of the applicant & they could have made every opportunity to suppress noise especially the night time/early morning noise.
2. There is no mention of puppy noise. Reasonable if there were no puppies at the time, but the noise is considerable & lasts in bursts of up to 30 minutes at a time & is significantly loud.
3. The report comments that the exercise noise is the worst & nothing can be done for this. Great. More dogs will mean this will get worse. I find weekends upsetting, as I can not sit in the garden without the noise of the dogs disturbing us throughout the day.
4. The tests recorded one short early morning noise. This is unrepresentative of what we normally notice. The early morning noise from the kennels can last for 30 minutes to an hour & is a dull/deep echoing noise. In the summer this is very disturbing and with the windows open wakes us up.
5. The report makes reference to unusual bird noise. I suspect this is from tawny owls which nest in the woods at the bottom of the garden.
6. The tests were done mid november. The longer days in the summer result in considerably more disturbance from a much earlier hour.
7. The ultrasonic suppressors are clearly ineffective.

With regards the report from Frank Whittaker I have these comments:

1. 5.3.3 - In my opinion the application meets none of these.
2. 6.1.2 Circumstance 1. Specialist Dog breeding whilst itself may be true can be no justification for siting a business in an incorrect location
3. The application to further increase the number of dogs & the amount of breeding will only make the current noise levels worse.

Objection David Leicester, 28 Pole Lane, Darwen

I wish to formally object in the strongest of terms regarding the above application. 4.4

In 2006 I found out about the Remembrance Park due to a friend choosing to bury her mother there. I was very impressed with the whole place, it's facilities and more importantly, the peace and quiet.

I even asked my 92 year old mother whether she would agree to it being her final resting place as opposed to being cremated. She agreed and when she passed away in Jan 2007 I purchased a plot big enough for the two of us.

In the years since my mothers passing I've been many times, her birthday, anniversary of her death and Christmas. I've also attended a classical guitar recital on a summers afternoon. Mr Gore, who has since passed away, was very understanding and helpful. He always asked me in the cabin for a chat and a brew.

Sadly when I attended a funeral in May of this year I was appalled to hear from a gentleman that I was told lived there, that we couldn't use the toilets as "the dogs are out" !! I couldn't believe what I was seeing. I would like to know how this has been allowed to happen. What has happened to the reception building with seating and refreshment facilities ? There's also supposed to be a disabled toilet and an electric mobility vehicle.

Finally, I quote from the brochure that persuaded me to buy into this in the first place " the park offers a scenic environment of mature woodland and open spaces for remembrance and peaceful reflection " .

Peaceful reflection ??? I don't think so ! How has a complete change of use for this beautiful Park been allowed ? _____

Objection Heather Anders

Please accept this email as my objection to the planning reference 10/17/1428 to build on West Pennines Remembrance Park.

Objection David Comer, New House Farm, Edge Lane, Entwistle, Bolton

I would like to object to the planning application for kennels & their expansion at the Park Lodge West Pennington Remembrance Park.

Our garden although across from the railway is actually very close to the yard and I believe I am the closest neighbour.

My primary issue is with noise. I have had an ongoing noise complaint with the kennels since they first moved in. The dogs are either loose or in kennels & bark on & off all day, When the dogs are loose the barking can be very loud & aggressive indeed. When they are kennelled the noise is a deep echo. The barking is not all the time, all day but it is every day & it may be for 10-30 minutes, stop & then carry on again an hour later.

We are most affected in the summer months when we are in the garden or in the house & have the windows open. In the summer we regularly get woken up by the dogs barking from the kennels.

At the weekend we can get no peace in the garden with the dogs barking on & off throughout the day.

When they have puppies the crying from the puppies can continue for 30 minutes at a time, will happen several times a day & again is very loud.

The noise complaints with the council have come to no use because the service does not respond to out of office hours. The out of hours number is only for late on Friday & Saturday nights. We are at work weekdays 9-5.

Possibly anecdotal but I also have concerns about their animal husbandry.

1. In the time since they moved in I have never once met or seen them walk the dogs outside of the yard
2. We often hear them shouting & swearing at the dogs. This must be upsetting for people visiting the funeral park & does not strike me as how to care for dogs.

My second complaint is regards the retrospective planning. I would also like to raise the issue of the retrospective planning permission. I first raised this with the council back in 2016 via the noise complaints department. And yet it has taken this long & then only a retrospective planning request from the owner.

Thirdly I would like to register a complaint on behalf of the customers of the Remembrance Park. Having very loud and aggressive barking dogs both in the office & grounds can not enable visitors to have peace & be able to use the amenities that the original planning permission offered, including disabled access, toilets & refreshments.

Personally I have found this very stressful to the extent that every time I hear the dogs I have to leave the garden to get away from the noise.

Objection Katie Marsden

I am writing to voice my concern at proposals for the planned puppy farm on the West Pennington Remembrance Park. This is not a suitable proposal for the area and for the park.

In addition, the council will bear a financial cost for the dog warden. Puppy farms contribute to the problem of abandoned dogs across the country and opening more will worsen this problem.

Please accept this email as my objection to the planning reference 10/17/1428.

Objection Kelly Garcia

Just writing to let you know that it's bad form to open a puppy farm outside a remembrance park. You wouldn't open a zoo outside a cemetery, it's common sense; well this is pretty much the same thing. Puppy farms treat animals like shite anyway, but if you do insist on opening one, please do it somewhere else.

Objection Lynda Crawford

I am writing to oppose the permission to open a dog breeding facility. There are thousands of dogs in rescue centres all over the country and thousands being destroyed each year. How then can you justify allowing a dog breeding facility to open. Please listen to people and refuse permission for this facility to go ahead.

Objection Melanie Middleton

- > Hi Nick
 - >
 - > Please take my email as strong opposition to the plan to have a dog breeding facility at Entwistle.
 - >
 - > Both my grandparents Tom and Barbara Middleton and buried at the remembrance Park, this was not what we signed up to.
 - >
 - > A place of beauty such as Entwistle to be used for such vile purposes as the mass breeding puppies. Why is this necessary when healthy dogs and puppies are put to sleep every day. It's disgusting and not something we want to see when we pay respect to our deceased relatives
-

Objection Mr M J Moores

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I have been informed that planning permission for a dog breeding facility has applied for along with the conversion of the original offices and members meeting/gathering log cabin at the side of this woodland grave yard. I my parents and parents in law are buried there and are in possession of a 99 year lease on this land I would like to lodge a strong objection to this development. This park was won a national award when it was first opened and a development of this type is totally inappropriate for an area of quiet reflection, mourning and peace.

Constantly barking dogs is not what my parents signed up for!

We are not anti dog! Indeed the park excepts pet burials.

Can you please confirm

- 1) that this planning application has indeed been made.
- 2) If true please provide a reference number/full details for the planning application.
- 3) A reference for my formal objection.
- 4) Date and venue of planning meeting.

Objection North Turton Parish Council

The Parish Council objects to application 10/17/1428 for the additional use of a woodland cemetery for the keeping/breeding of dogs, and the retention and erection of kennel buildings, on the grounds that it is an inappropriate use in a peaceful and scenic memorial park, and that the noise from dogs barking is particularly intrusive.

Objection Peter Middleton

I wish to object to the planning application of a dog breeding facility ref 10/17/1428 at the entrance to the west penine remembrance park where my parents are buried, even though the access to the park may be screened, the noise and the facility itself will be totally inappropriate to the area in general, people were sold expensive plots for their loved ones in peaceful surroundings

Objection Mr & Mrs Platt, 39 Stope Road, Little Lever. Bolton

I am writing to formally object to the above application. My wife has both her parents buried there and we took extremely careful consideration when it came to choosing the perfect final resting place for them and when we did so we were shown the rest rooms with toilet facilities etc and we were also pleased when we were also shown an electric golf buggy type car which could be used to transport visitors down to the burial area and these things were all key factors in us choosing this location. When my mother in law passed away in 2003 my father in law would visit every single week and use the facilities whilst there, whether it was just to sit and reflect or to spend a little time chatting with the caretaker there. Sadly the caretaker passed away and over time all these extra touches have one by one disappeared and the facilities we were promised would always be there have now been replaced by a residential dwelling with substantial out buildings which are being used for dog kennels.

These developments have ruined what was sold to us as a quiet and tranquil location where we could visit our departed loved ones. We recently buried my father in law there and were shocked and upset on our arrival to see laundry hung out right next to where we were instructed to park which was quite obviously someone's house in fact the female homeowner was quite literally stood watching our every move and made every single one of us feel like trespassers and she made it obviously clear that our attendance wasn't appreciated by her in fact many of the mourners commented that they felt intimidated by her stood there especially as we were leaving as she was stood with her hands on her hips quite literally watching us leave. Leaving was not immediate as not only did we need to wish people all the best, thank them for coming and all the other unwelcome 'pleasantries' or duties one has to carry out following burying a loved one, the vast majority of us (children included) had to wipe copious amounts of dog excrement from our shoes before getting into our cars.

The barking of a large number of dogs during the actual internment was also upsetting as we expected to arrive to the 'quiet and tranquil' location we had previously attended funerals at but this was sadly not to be as due to the amount of dogs and their size the barking was very loud and constant. I am sure you can understand just how upsetting and a shock this was not only to myself and my wife but to all the other close family and mourners in attendance.

There is no doubt in my mind that the changes to the Memorial Park and the building of the dwellings has been carried out without the correct planning permissions in place and in the hope that the once the main buildings have been built that retrospective planning would be granted and the changes have very clearly changed the whole feel and peacefulness of what was once an idyllic location to grieve and remember.

We strongly urge you to look at the bigger picture here and understand just how upsetting it is for people like ourselves to visit this place and see just what is going on there, it is quite obvious that the current occupants / owners of the park are attempting to change the park for their own benefit

and the burial side of things is no longer their prime concern but what appears to be a dog breeding business is. Surely the breeding of loud noisy dogs alongside a nice quiet burial location do not go hand in hand and we ask that you consider those with deceased loved ones at this location and just how upsetting these changes are for them and we ask that you please help to keep this as a special location for our loved ones as that is what we 'bought into' when we entrusted them to this place.

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At the end of the day The West Pennine Remembrance Park was sold to us and many others as a parkland burial area surrounded by natural and beautiful views over unspoilt countryside, it was not sold as a residential dwelling area with what appears to be a large thriving dog breeding business and as such we are at a loss as to how this has been allowed to happen and a residential dwelling built without the correct licences and approvals in place.

We sincerely hope that you understand our deep feelings and upset on this matter and seriously accept and understand our objections and therefore refuse the retrospective planning request on the grounds that the owner / tenant is attempting to change the purpose of the Remembrance Gardens and has already made a permanent residence and unrelated business here.

With appreciation and respect

Objection Pat Barton & Con Barton. 19 Connaught Road, Attleborough, Norfolk
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It has been brought to my attention that there has been a planning application for the West Pennine memorial park, and that any objections to said application are to be received by 25th December 2017.

I wish to make a formal objection to this being allowed and not in any way granted.

It seems to be changing the use of the burial site to a breeding facility for dogs.

A change of use totally inappropriate, and absolutely NOT what my parents bought into and subsequently both are buried there.

My father, following the sudden death of my mother February 2003, made a difficult decision to purchase a double plot for my mum and himself. I was very impressed with the literature and promises stated and supplied and knew the idealology from the same set-up here in Norwich.

My father was made at ease from the previous owner (I believe to be Mr. Gore's father) Bill and Donald the designer, he and all our family were pleased to find such a peaceful and restful place to which we could visit and feel the necessary grief and solitude, to have our memories and visits to a lovely place of rest.

100 years was the term of time before the Remembrance park would be left to go back to nature.

My father died this year and we were mortified to find that everything was not as it should be i.e. no toilet facilities, no disabled golf buggy use, no refreshment and sitting area in the reception.

The place has been turned into a private dwelling and is being used as a dog breeding kennel, this was, to say the least not what we expected and not what should be happening.

We were told to use the toilets at the Strawberry Duck public house, do they know that is the arrangement, the carpark was full of dog mess and being a hot day, the smell of dog foul was most unpleasant. On our return the day after, we heard dogs yelping and barking which was almost threatening. This was unacceptable and very upsetting. The wild life will disappear as they too will feel threatened.

I see letters have been sent to the local residents but nothing to the families and those who have their loved ones' resident already at the Remembrance Park or having purchased plots to join their loved ones.

I have raised my concerns with Councillors' Rigby and the trading officer department who don't seem to have got any further with my concerns only to say some previous planning has been allowed and this was not investigated properly.

If this planning is allowed what next, a larger house on a prime site, no visiting for relatives to the park, closure of the park, no parking only at the Strawberry Duck and dogs having free reign around the graves so they can exercise.

Mr Gore should be ashamed with his actions; his father would be embarrassed by his own son to let such a beautiful place and the ethos of the whole thing be spoiled for one can only think is money.

Objection Gemma Sharpe

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I write to formally object to the above application.

My Grandparents are buried in the West Pennine Remembrance Park.

When I attended my Grandads funeral I was shocked & disappointed at the state of the car park, reception area and entrance to the park, compared to my Grandmothers funeral. The car park was full of dogs mess and was tricky to avoid, especially for the children and older relatives. Also the smell was awful, not what you want to smell on the way to this type of service. Throughout the service there was constant interruption of dogs barking from the kennels whilst we were at the graveside - this was not what my Grandparents chose and paid for. The West Pennine Remembrance Park was chosen because of the peace and tranquillity of the setting, and this is sadly no longer the case.

Can you imagine attending a funeral of your loved one in such circumstances? I and many others were extremely upset.

If you allow this application it will only make matters considerably worse. It is already wholly unacceptable, and not what my family and many others chose for their final resting place, as well as a peaceful place for their families to visit, reflect and remember them.

I trust you will take my points into consideration regarding this Plannig Application.

Objection Peter Crompton

I would like to put forward my opposition to the plans for a dog breeding farm at the entrance to the west Pennine remembrance park. This was not what we signed up for when we buried Our loved ones at this park and I am totally opposed to it. Ref 10/17/1428

Objection Rebecca Moden

I am writing to state that I am opposed to the dog breeding facility.

I hope this plan is scrapped.

Objection Rachel Garvey

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I am writing to vehemently oppose the proposed dog breeding facility at West Pennine Remembrance Park. I am incredibly angry that such a proposal has even been made, never made being considered! My Dad's ashes are buried at the Remembrance Park and my family made that decision on it being a calm, quiet, natural space as I am sure many other families did. I feel that such a facility would completely go against this and totally disrespect the memories of those laid to rest there and the families who go to pay their respects as I do along with my family. If the owners of the park believe this to be acceptable then they need to give the park over to someone else who could properly tend to it giving it the care, attention and respect it deserves! There are plenty of other places this puppy farm could go, if it needs to be so far out of the town centre I'd be questioning the legality of such an operation.

I feel that common sense needs to be used in order to avoid causing even more offense to bereft families and that your council would not want to be seen as to advocate such a controversial practice.

Objection Ruth Bradford

I write to express my anger at the plans to build a breeding facility at the entrance to the remembrance park at Entwistle. As a regular visitor to a family friend there it saddens me that the idea would even be entertained and I wholeheartedly oppose the plans.

A structure used for similar activities near my own home has just been demolished after years of complaints and campaigns by local residents and animal rights activists.

Objection Stephanie Chadwick

I wish to oppose the planning application to build a dog breeding facility near Entwistle reservoir.

I feel this is unsympathetic to people who have their relatives buried nearby and also because so many dogs are bred in similar places simply to end up put to sleep or if they are lucky in rescue.

Dogs housed in these facilities are treated appallingly and have numerous health problems which are passed onto their pups.

Objection Stewart Forsyth, 8 Knostrop Quay, Hunslet, Leeds

Item 4.4

I would like to register my opposition to the proposed facility which the above reference relates to. I find the idea that a council would even consider allowing a facility like this abhorrent, and therefore request that the planning permission is rejected.

The Remembrance Park in this area is a special place for many people. It has already been left to ruin by the current owners, and allowing anything to be built there will take this place away from the families and friends of loved ones who rest in the park.

Objection Susan Morgan

With reference to the above subject ie the new dog breeding facility which is to open near the entrance to the West Pennine Remembrance Park, I would like to express my deep concern.

We bought a plot for my brother's ashes to be scattered there several years ago, and also bought the neighbouring plots for other members of the family who wished to be laid to rest next to my brother.

It is a beautiful and peaceful place to go to be close to him. We felt reassured by the fact that it would remain as it is- a peaceful and beautiful area, untouched by any form of commercialism.

You will understand our concern to hear about the new plans.

I wish to register my opposition to this plan and ask for some consideration for the families of the many people who like to visit the Remembrance Park regularly and who wish to keep it as it should be, a quiet, peaceful place of reflection with nothing around it to detract from its ethos.

The West Pennine Remembrance Park. Entwistle Hall Lane. Turton. BL7 0LR 26/12/17

The original planning permission in Oct. 1999, was for the use of the land as a cemetery, with an accommodation unit, to act as a reception area and office, to be used when funerals were taking place and relatives were visiting the graves of the deceased.

The application received in July 2014, was to change the use of the reception building to include accommodation for the park overseers. Specific conditions were imposed, planning permission was granted subject to these conditions. (The occupation of the dwelling shall be limited to a person solely or mainly working in the West Penning Remembrance Park, or a widow or widower of such a person, and to any resident dependants) Reason :- The proposal provides for substandard internal and external living arrangements, impinging on the amenity of prospective occupants, and is only supported in principle due to the linkage with the West Pennine Remembrance Park., in accordance with Policy H4 of the adopted Blackburn with Darwen Borough Council Local Plan.

Future use of the property and the grounds clearly break this condition.

The report by Adam Shaikh, dated July 12th 2017, clearly states that the above planning conditions had been broken. The Park Lodge originally available by funeral parties and members of the public, was not available and the building had been converted to a residential dwelling. At some time between July 2014 and July 2017 the owners had established a dog breeding business, planning permission had not been sought, and without the visit by a BwD officer, the current application would doubtless have been ignored.

In conclusion the site owner has broken imposed planning conditions, founded a business completely ignoring planning applications, until forced into a retrospective planning application. The original planning application was well received, and a number of burial plots were sold. Relatives with family buried in this rural location, are and have been distressed at the state of the site, primarily animal waste, the unavailability of toilet facilities, and the general attitude of the owners.

I recommend the issuing of an Enforcement Order, to cover the removal of any kennels or outbuildings associated with the breeding of dogs, and a reversion of the current residential building to that granted under Planning app.10/14/0731.

Objection Angela Garvey

To The Planning Dept,
I strongly object to the proposed plans for a puppy farm at the Remembrance Park.
In 2003 my family chose this tranquil beautiful place to lay my husbands ashes to rest.
I myself have reserved a plot next to my husband when the time comes.
I chose this park after being reassured that no building would take place for 100 years.
My husbands ashes are buried in the area overlooking beautiful countryside amongst the trees.
I find the proposed plans extremely upsetting and urge you to reconsider this application not just for me but for all the other families of people laid to rest there.
Angela Garvey

Objection Andrew Worden

I write to formally object to the above application.

I have relatives buried in the remembrance park. I had planned to be buried there also. I have been visiting the park for almost 15 years now and seen the facilities and standards decline since the death of Mr Bill Gore who set up the park in 2003.

When I attended a funeral there in May of this year I was shocked and extremely upset with the experience at it appears the land now houses a dog breeding facility with purpose built kennels.

The reception facilities/meeting room had gone and we were told the toilets were no longer available and the attendees had to use the local pub - delaying the service.

We were refused access to the reception facilities which now appear to be a full-time dwelling, and other attendees complained the the car park they were directed onto was full of dog mess, one child slipped and fell in it!

Throughout the service there was constant barking of dogs from the kennels whilst we were at the graveside. Can you imagine attending a funeral of your loved one in those circumstances?

The West Pennine Remembrance Park was chosen because of the peace and tranquillity of the woodland setting and attached is the information provided by the park owners – focusing on the peace and tranquillity of the setting and the facilities that are no longer available - "Car parking, a reception building with seating and refreshment facilities, disabled toilet and mobility vehicle" - none of which are now provided to an acceptable standard. This lack of facilities could breach the disability discrimination act as the location of the gravesides is on an incline and to get to them, is over steep uneven ground, the brochure enclosed specifically points out provision of accessibility for all.

The level of dog noise is already to the detriment of the peace and tranquillity of those paying their respects to their loved ones in the park, not the neighbouring properties across the railway line who I believe were consulted prior to original. The users of the park are mostly non-residents and travel from far and wide to visit the park, I personally have a 30 minute drive to visit the park. Item 4.4

I am extremely upset with the situation and it displays a total disregard and disrespect for the park users who are there to attend their funerals or visit their loved one's final resting place.

The park is now run with questionable Health and Safety standards not only due to the dogs now on the site. There are partially buried glass vases that have been allowed to be used, originally there were strict guidelines on materials used for headstones and plaques as the whole idea of the park is to be in tune with nature. The reception facilities also used to house an emergency telephone and first aid kit, what happens if a visitor falls onto the glass and help cannot be called without going to the payphone at the pub? If this park would be considered a public area what provision is now in place for public liability and health and safety for it's users who are now prohibited access to said emergency facilities?

This application is a blatant scheme to re-purpose the site and make the users endure a less than ideal situation to shorten their stay at the park.

Objection Kelly Barton

I would like to formally strongly object to the planning at West Pennine Park ref: 10/17/1428 'dog breeding facility'.

This should be a place of peace, quite and natural beauty, but instead earlier this year when my family and I attend our Grandads/ Great Grandads funeral we were met with a place which smelt terribly of dog excrement when we got out of our cars. We then had to walk though the car park area dodging the dogs mess which was terrible and disgusting especially as there were many great grandchildren and elderly attending.

Then when by the graveside there was a constant barking throughout the service which I believe is not acceptable at a place where people are saying goodbye to loved ones and would like a peaceful send off, a time for their own thoughts unaccompanied by dogs barking and the smell of excrement.

The park had been chosen due to its peaceful and beautiful surroundings by both of my Granparents who are now buried together, and it breaks my heart that this is now being put at risk further by the plans submitted.

Please lodge my objection to this ridiculous proposal.

Objection Sharika Kotecha

Item 4.4

I write to object to the application to proceed to breed dogs within the area of The West Pennine Remembrance Park.

I attended a funeral in the park earlier this year.

I was very surprised that there were no reception facilities and we were told to walk to the pub to use toilets.

A remembrance park should be for quiet reflection and in a peaceful setting.

Throughout the service the dogs in the kennels constantly barking. This was very upsetting, particularly for the relatives.

In the car park we were shown to next to the kennels there was dog foul all over the place and some guests were uneasy even getting out of their cars.

To permit dog kennels and breeding in this location would be totally inappropriate.

The whole funeral was made even more upsetting by the impact of kennels in an inappropriate location.

Objection Suzanna Moores

Please take this email as an objection to the dog facility at the West pennie remembrance Park.

When we signed a contract to lay my three grandparents to rest it was for the area to be maintained as it for 100 years. As you can see from their website what has been offered to families during such difficult times;

<http://westpenninepark.com>

A dog facility would not provide the peace and tranquillity promised to grieving families and would not allow a nice place to mourn.

The house at the entrance to the park is an eye sore and already covered in trinkets and tatty ornaments, which have already started to appear on burial plots, which again is against the rules. I could already hear dogs yapping and barking away when I laid flowers last weekend.

I hope you take in to consideration my reasons for the objection.

We write to formally object to the above application.

Two of our parents are buried in the park.

Both plots were purchased in 2003 when Carol's mum died.

When Carol's dad died in May and was buried there later that month we were aghast, shocked and deeply upset when we attended the funeral.

The reception facilities/meeting room had gone, we were told the toilets were no longer available and pointed in the direction of the Strawbury Duck public house – an inappropriate walk for elderly funeral goers and worst of all, the constant barking of dogs whilst we were at the graveside.

Attached is literature we were given when the plots were purchased – focussing on the peace and tranquillity of the setting.

The original park received planning permission in 1999. It's interesting that the lodge building itself didn't receive permission. BwD Council told them to apply and they didn't.

At the time the application for an extension was applied for in 2011 the Council's own officer's report conceded that it was then too late to take enforcement action. That application for an improved and extended reception facility was granted in 2012. Then in 2014 a further planning application was approved to change the use of the reception building to include accommodation for park overseers. That new permission did not as far as we understand allow the closure of the existing facilities, including the disabled facilities and the creation of a single dwelling house.

The land now subject to the application is referred to in the literature as a future ~~item 4.4~~ area. That presumably was subject to the original planning approval? If so it is hard to see that as brownfield land? Part of it is also referred to in application 10/11/1211 as compensation land for the loss of habitat arising from the building of the extension to the reception building. The area subject to this application appears to cover part of the compensation land.

The rationale for the original building on this site was to support the remembrance park (albeit without planning permission). That was reinforced with the application for improvement and extension to the reception building (10/11/1211). A subsequent approval in 2014 was to include accommodation for overseers – again focussing on the park – its security. However, what appears to have happened is that has triggered the conversion of the property to a dwelling and this latest application which is nothing whatsoever to do with the original purpose of the park is a not so subtle attempt to justify the dwelling.

We have therefore moved from a building in the greenbelt without planning permission, legitimised by subsequent planning applications to be a reception building with accommodation for overseers, to a dwelling house without planning permission, to another retrospective application - for dog breeding/kennels. It doesn't take a genius to work out what will come next – another retrospective application for full planning permission to legitimise the dwelling house on the basis of needing to have someone there to look after the dogs at night.

Crucially, the noise report misses the whole point of the noise complaint. The complaint about the dog noise is to the detriment of the peace and tranquillity of those paying their respects to their loved ones in the park, not the neighbouring properties across the railway line (which may be a separate issue).

We assume that when the original planning application was granted, one of its unique selling points was the quiet setting and location for the benefit of those whose loved ones were to be laid to rest in the park. Indeed that is what attracted our family to the park. Unfortunately that peace and quiet has been lost by the dogs barking and if the numbers increase, will only get worse.

It's such a pity that this truly beautiful location is being spoilt.

We are sure that we are not alone in feeling this way and suspect the creator of the park would share the same view.

Objection John & Carol Foley

Item 4.4

Further to my earlier email we have now found out there are a number of elderly people who are so scared of the barking dogs they won't get out of their cars at the park to visit the graveside.

This determined plan to get planning permission for a dwelling shows absolutely no respect for the original purposes of the park even less those who are buried there.

I am sure the Council never intended anything other than a remembrance park in 1999.

We chose this park for its peace and tranquillity which was their ethos back then or so it seemed.

It is totally inconsistent and inappropriate to have a dog breeding business/kennels in or adjacent to a remembrance park.

I'm sure it wouldn't be allowed next to a church yard.

Support - Donna Hall, 5 Entwistle Hall Lane, Entwistle, Turton

I am writing to support the application for the above planning permission.

The small scheme is completely hidden from public view by trees, the railway line and the lay of the land. It is a family home in a rural area as well as a local business.

The development will only be seen by those visiting their loved ones in the private facility and not by close neighbours nearby of which I am one. It is invisible even from the train station.

My neighbours on Entwistle Hall Lane are supportive of the application and highly amused at the blatant hypocrisy played out on social media over recent weeks.

When it comes to their own personal financial gain, one vocal objector seems to have no problem with planning permission in the green belt metres away from the grade two star listed historic Entwistle Hall. In fact not only do they not have a problem with it - they actively write in to support it. Yet when they have nothing to gain financially they become self-righteous objectors.

A clear policy precedent has already been set by your Planning Committee approving the conversion of a modern garage to a large, out of character, dominant modern house directly opposite a historic hall despite the advice of your conservation officer at the time ("The Paddock", Entwistle Hall Lane - approved by Committee April 2017).

Thank you for your consideration of this letter of support for the application.

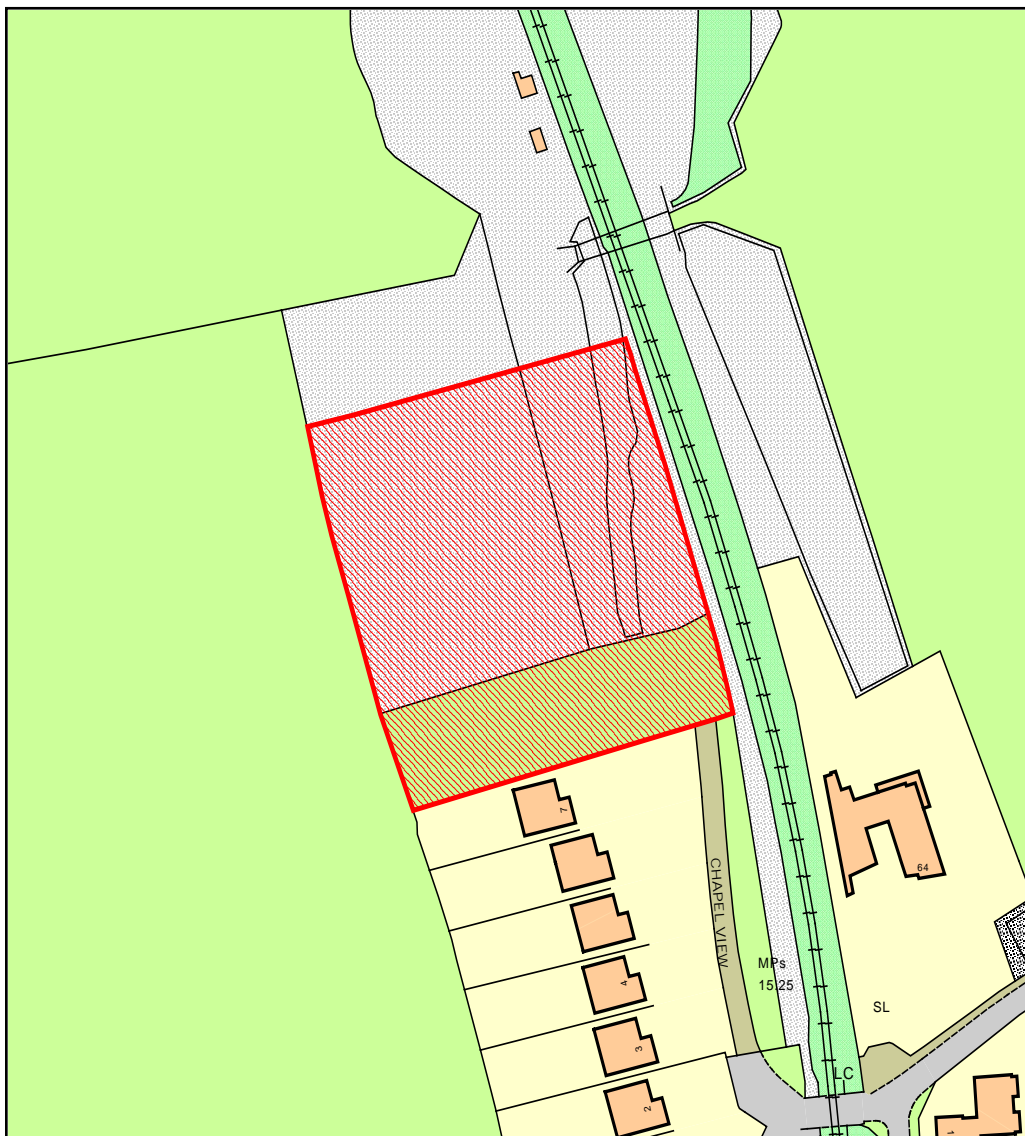
Proposed development: Full Planning Application for Proposed 1 no. new dwelling at Plot 8, Chapel View

Site address: Chapel View, Station Road, Edgworth, BL7 0LE

Applicant: Michael Leary

Ward: North Turton With Tockholes

**Councillor Colin Rigby
Councillor Jean Rigby**



1.0 SUMMARY OF RECOMMENDATION

Item 4.5

1.1 APPROVE – subject to conditions detailed in paragraph 4.1

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal is identified as being of exceptional quality and an innovative design, such that it meets the exception criteria within paragraph 55 of the National Planning Policy Framework, which allows for the construction of new dwellings within rural locations. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises part of the area previously occupied by Victoria Mill, which was demolished in 2007. It is identified as 'plot 8' by the applicant in reference to the site being adjoined to the south by 7 contemporary designed eco-dwellings and having previously held planning approval for an 8th unit within the group.

3.1.2 The site consists of an area of cleared ground with evidence of previous ground works, adjoining rough grazing land and a section of the existing railway embankment. The site is covered with vegetation including native tree species and can be considered to have returned, in the main, to a natural state.

3.1.3 To the west of the site is steeply rising agricultural land. The eastern boundary of the site follows the alignment of land owned by Network Rail and the railway line which runs between Bolton and Blackburn. The northern edge is adjoined by open countryside, whilst the southern boundary is shared with plot 7 of the adjacent residential development.

3.2 Proposed Development

3.2.1 Planning approval is sought for the development of a single dwelling, which the submission identifies as being of exemplar design in order to justify the development in accordance with the green belt exceptions policy set out within paragraph 55 of the National Planning Policy Framework.

3.2.2 The proposed dwelling is to be sited at the southern end of the site, adjacent to the existing eco-townhouses with access taken from the existing gated cul-de-sac. The submission indicates that the scheme is to provide a transition from the modern development to the open countryside beyond. The dwelling's design suggests a 'weft and weave' theme originating from the historic textile mill use of the site. The proposed building provides accommodation over two floors; the form is cross axial with two rectangular boxes set at 90 degrees

from one another and the upper floor cantilevered at both ends. The lower floor is to be constructed in coursed natural sandstone, whilst the upper floor utilises modern cladding and large expanses of glazing

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
- CS5: Locations for New Housing
- CS7: Types of Housing
- CS16: Form and Design of New Development
- CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2:

- Policy 1: The Urban Boundary
- Policy 5: Countryside Areas
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 41: Landscape

3.4 Other Material Planning Considerations

3.4.1 Due consideration must also be given to the National Planning Policy Framework (NPPF). In particular Section 6, which deals with the delivery of a wide choice of quality homes. Paragraph 55 thereof provides specific guidance to promote sustainable development in rural areas.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development (appropriateness of residential development in rural location);
- Design;
- Highways and PROW;
- Ecology; and
- Amenity

3.5.2 Principle of Development

Item 4.5

There are two fundamental issues to be assessed regarding the proposed development: (i) the principle of the development, and (ii) the proposed design. Given the rural setting of the site and the limited justification for new dwellings in such a location the two issues cannot be assessed in isolation.

3.5.3 The site is positioned within the green belt. *Policy 3: Green Belt* of the LPP2 is consistent with the NPPF's direction in that it identifies new buildings as inappropriate development subject to a narrow group of exceptions that includes; buildings for forestry and agriculture, replacement of a building provided it does not result in disproportionate additions over the original building; limited infilling; provision of outdoor sports and recreation facilities. The development meets none of these exceptions and is thus in conflict with Policy 3

3.5.4 Notwithstanding the development plan restrictions upon rural development, proposals can be alternatively justified with reference to the NPPF. Paragraph 55 of the NPPF states;

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements". Further, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

The exceptional quality or *innovative nature* of the design of the dwelling.
Such a design should:

- *Be truly outstanding or innovative*, helps to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting, and
- Be sensitive to the defining characteristics of the local area.

3.5.5 The proposed development, the subject of this application, has been submitted on the basis that the proposal complies with the exception criteria set out in paragraph 55 of the NPPF.

3.5.6 The design of the proposal, which will be discussed in further detail, has been peer reviewed at the pre-application stage by Places Matter! Design Review is a respected method of improving the quality of new development by offering constructive, impartial and expert advice. Design Review panel meetings allow local authorities, clients, developers and design teams to present their schemes at the pre-planning stage to a panel of experts from the built environment sector and benefit from the discussion and constructive advice of the panel. Specifically the Places Matter! Design Review consists of a panel of respected built environment professionals providing expertise from a range of fields including: Development, Architecture, Engineering, Planning, Landscape Architecture, Urban Design, Public Art and local planning.

3.5.7 The review panel's final response is that this proposal could realise the potential to be a paragraph 55, truly exceptional or innovative, building in the countryside. The use of the 'weft and weave' was identified as a convincing narrative for this type of proposal. Further, the landscape narrative provides another strong element of the proposition and allows for a whole site approach.

3.6 Design:

3.6.1 The proposed design is explained in the architect's supporting statement in the following manner;

"The proposed arrangement takes into account views across the site from the locality, whilst enabling the occupants to enjoy the vistas from the interior. The aim being to produce a contemporary but respectful scheme drawing on the characteristics of the surrounding properties to influence the site arrangement, massing, orientation, appearance and materiality of the proposed design.

The rich history of the site has been lost in the recent development of the previous 7 eco-townhouses and it is the intention to reinstate the historical links to the former mill site, which will be developed through the continued design of the dwelling.

The 'weft and weave' theme becomes a strong focal point to start the design process off. The process of working the textiles would result in a strong grid pattern. The portion of the site acts a transitional zone between the 7 modern developments and the open landscape and as such the site should bridge the gap not only in mass and bulk but also its landscape from urban town houses to open countryside rather than the abrupt stop that plot 7 currently has.

The weft and weave concept manifests itself with the crossover of the two sections of the property. Furthermore the intention is to not only weave the building fabric, but also to weave the development in to the landscape.

The strong pattern established for the floor plan layout and site layout continues throughout the elevational treatment with windows and cladding following these lines up the building. The arrangement of the glazing also follows these lines so that any transoms or mullions do not deviate from the set grid. In order to break up the massing, cladding panels between the windows are introduced.

The locality has an eclectic mix of materials, which makes it difficult to assimilate the development. The use of natural sandstone has strong links to the Yarnsdale Quarry and the stone used on the former mill building. The first floor will be clad with Marley Eternit Equitone panels, which is an advanced industrial cladding in anthracite grey to tie with elements of the adjacent eco-townhouses. The material is produced in sheets as such the joints of each panel will coincide with the grid pattern which has been a strong theme throughout the design process. The inset panels between the glass, which will be set in are made up of Marley Eternit Linea panels; these cladding panels have been selected as they will create a strong contrast with between the

other materials highlighting the vertical line across the elevations. They also have their own vertical linear lines which represent the linear rule of action in the weave pattern”.

- 3.6.2 The proposal is evidently a bespoke response to the site and surroundings. Members should note that a design response that provided a standard farmhouse or other vernacular form would ultimately fail the exception criteria in paragraph 55 of the NPPF. The assessment, therefore, is not whether the proposal is vernacular or modern/incongruous, but rather whether it is truly outstanding or innovative design; helps to raise standards of design more generally in rural areas; reflects the highest standards in architecture; significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
- 3.6.3 In conjunction with the paragraph 55 tests are the general requirements of Policy 11 of the LPP2. The policy requires that successful proposals demonstrate an understanding of the wider context and make a positive contribution to the local area. These requirements are assessed with regard to 8 specific issues; character, townscape; public realm; movement and legibility; sustainability; diversity; materials & colour; and viability.
- 3.6.4 It is considered that the scheme does represent an innovative and exceptional design. The proposed dwelling has been designed to respond to the site constraints and context and the use of the ‘weft and weave’ is a convincing narrative for this type of proposal. Further, the landscape narrative provides another strong element of the proposition; albeit that further work is required to finalise the overall design. Although neither the use of co-axial blocks, or the simplistic design of the elevational treatment are unique; the union of the two elements, the historic narrative and the interaction with the landscape does offer an opportunity to consider the proposals as being innovative and amounting to exceptional design, in order to meet the NPPF test.
- 3.6.5 Subject to the controls identified, the proposal is considered to be compliant with the paragraph 55 exception tests and the more general design policy assessments contained within Policy 11 of the LPP2. Accordingly the principle of the development can be supported.

3.7 Highways:

- 3.7.1 Policy 10 of the LPP2, amongst other criteria, requires successful proposals to demonstrate that the development will not compromise the safe, efficient and convenient movement of all highway users. Appropriate provision for access, off-site servicing and parking in accordance with the Council’s adopted parking standards is also required.
- 3.7.2 The access to the site is established as it serves the adjacent eco-townhouses. No concerns are identified with extending its use to the current proposal. The Council’s highway team has requested additional details in relation to the turning facilities within the site to offset the need for users to reverse back along the cul-de-sac. See update report for further comment.

3.7.3 The new property consists of 4+ bedrooms and as such derives a parking requirement of 3 spaces when applying the adopted parking standards. It is noted that the proposed double garage falls below the requisite 3m x 6m per space. However, the development also includes a large driveway that easily accommodates the parking needs and as such no concerns are identified with the parking arrangements.

3.7.4 Notwithstanding the ongoing assessment of the turning facilities, the scheme is considered to be consistent with the requirements of Policy 10 of the LPP2

3.8 Ecology:

3.8.1 An ecological assessment and arboricultural impact assessment have been submitted in support of the application. The submission was initially identified by Capita Ecology as being obsolete due to the passage of time since the site survey had taken place and due to the report pre-dating the designation of the West Pennine Moorland SSSI.

3.8.2 A rebuttal provided on behalf of the applicant by consultant ecologists ERAP was received 31st January 2018. The submission identifies that no survey limitations were identified in the 2015 ecological survey; that there were no protected species identified at that time, nor were there any potential roosting features for bats, for example. Further evidence of the current site conditions were also provided and a list of recommendations provided. They include;

- Preparation and implementation of an invasive species plan
- Restriction on vegetation removal during bird nesting season (March to August)
- Implementation of a sensitive lighting scheme
- Implementation of features for biodiversity enhancement

3.8.3 Capita Ecology considers the amended details to be sufficient to offset their initial concerns and subject to the use of the suggested conditions offer no objection to the application. Accordingly, the development can be considered to be compliant with the requirements of Policy 9 of the LPP2

3.9 Amenity:

3.9.1 Policy 8 of the LPP2 seeks to safeguard the amenity of future occupants and neighbouring residents with regard to matters including; noise, vibration, odour, privacy/overlooking, light and the relationship between buildings.

3.9.2 The proposed dwelling is massed towards the side of plot 7, though the unit does project beyond the front build line. Despite this relationship there is no significant impact upon residential amenity as the proposal does not conflict with the outlook from windows serving habitable rooms. Indeed the development is wholly consistent with the 45 degree test set out within the adopted Supplementary Planning Document: Residential Design Guide.

3.9.3 The objection received from residents of the adjacent property identifies, in part, loss of views. Members should note that the loss of a ~~view~~ ^{View 45} is not a material consideration in the determination of this application and further consideration of this issue cannot be weighed in the final assessment.

3.9.4 Overall the proposal raises no substantive concerns in terms of the impact upon amenity of future occupants or neighbouring residents. As such the proposal is consistent with the requirements of Policy 8 of the LPP2 and the Council's

4.0 RECOMMENDATION

4.1 APPROVE – subject to the following conditions

- Materials to be submitted
- Trees to be safeguarded during development
- Construction methods
- Land contamination
- Details of boundary treatments
- Landscaping to be agreed
- Contaminated land investigations, validation and remediation, where appropriate
- Removal of permitted development rights; Part 1 classes A to E Invasive species management plan
- Vegetation clearance to not occur during bird nesting season (March to August)
- External lighting scheme to be agreed
- Biodiversity enhancement scheme to be agreed and implemented
- Construction hours restriction (8am to 6pm Monday to Friday, 9am to 1pm Saturday)

5.0 PLANNING HISTORY

5.1 10/04/0607 - Conversion of building and associated site for 14 residential apartments and associated workshop space (Approved)

5.2 10/08/0721 – Amendment of approved development 10/04/0607 for the provision of mezzanine floors to the ground and third floor areas within the proposed residential accommodation. Alterations to the internal and external layouts of the offices located at the northern end of the Mill and amendments to existing metal clad building approved for offices also located at the northern end of the Mill. (Approved)

5.3 10/09/1039 - Full planning permission granted for the development of 7 eco dwellings on the site of the former Victoria Mill (Approved)

5.4 10/10/1140 – Full planning application for erection of 1 dwelling refused under delegated powers on the 5th March 2015, for the following reasons:

“The proposal's siting, design, scale, massing and external appearance would have an unacceptable impact upon the openness of the green belt and surrounding area forming an incongruous and unacceptable feature; contrary to the requirements of saved Policies H4, RA3 and HD1 of the Blackburn with Darwen Borough Local Plan, Core Strategy Policy CS16 and the Council's adopted Supplementary Planning Document: Residential Design Guide.

The proposed development would conflict with the existing trees on the development site, resulting in damage to the roots and future pressure for their removal. Therefore the proposal is likely to result in the premature deterioration and death of the trees, or the pressure to remove, contrary to saved Policy HD8 of the Blackburn with Darwen Borough Local Plan.

The proposed landscaping for the development is is not of a high quality or value which would enhance the character of the area or allow the development to successfully integrate with the surrounding green belt; contrary to saved Policies HD9 and RA3 of the Blackburn with Darwen Borough Local Plan.

The development results in the loss of the turning head for the overall development of Victoria Mill, which is contrary to saved Policy T9 of the Blackburn with Darwen Borough Council as it would fail to provide a safe, efficient and convenient access for all highway users.

The proposed garage, by virtue of its siting, design and scale, forms an isolated and incongruous form of development which would detrimentally affect the openness of the green belt and the character of the site in general; contrary to saved Policy RA3 of the Blackburn with Darwen Borough Local Plan.”

A subsequent appeal was dismissed by the Planning Inspector on the 29th September 2015, for the principle reason that the proposal would fail to preserve openness and would harm the character of the area.

- 5.5 10/16/1080 – Erection of one dwelling refused under delegated powers on the 21st December 2016, for the following reasons:

“The proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing site, and as such, is regarded as inappropriate development, which by definition, is harmful to the Green Belt; failing to comply with Policy 3 of the Blackburn with Darwen Borough Local Plan Part 2 (Site Allocations and Development Management Policies) (December 2015) and National Planning Policy Framework.”

6.0 CONSULTATIONS

6.1 Highways:

The property is to be served by an existing road, which was approved under previous application, and which ended in a formal turning head. Please request details of this to be included, and similarly, could we request a 3 axle

vehicle is tracked to ensure the space for manoeuvring is adequate at the turning head? Item 4.5

To conclude, we would offer no objections to the application subject to the above issue regarding the turning head being addressed satisfactorily.

6.2 Local Drainage
No objection

6.3 United Utilities
No objection. The plot is within the boundary of an existing housing development and is some distance from Jumbles reservoir. The developer should be made aware of our catchment conditions to ensure they are aware of the risks associated with working on or near catchment land, so as to bear this in mind when constructing the property and transporting goods and services.

6.4 Arboricultural Officer
No comment

6.5 Public Protection
No objection subject to standard conditions relating to; land contamination and construction hours

6.6 Capita Ecology
Initial objection due to time elapsed since the ecological assessment was produced. Following receipt of additional supporting information 31st Jan 2018 a no objection position is offered, subject to conditions relating to; management of invasive species;

6.7 Public Consultation
7 neighbouring properties were individually consulted by letter and a site notice displayed. 1 letter of objection has been received. 1 letter of support has been received from the ward councillor.

The objection points can be summarised as;

- Non-compliance with the NPPF
- Non-compliance with local planning policies
- Green belt land should not be built upon
- Availability of large houses for sale in the locality
- Loss of views

The support points can be summarised as;

- The site was previously developed brownfield land
- The proposal has been reviewed by Places Matter! Favourably
- The adjacent housing development have not been built to specification
- Previous application for development on the site was supported by Planning Committee

6.8 North Turton Parish Council
No objection

Item 4.5

7.0 **CONTACT OFFICER: Martin Kenny, Principal Planning Officer**
8.0 **DATE PREPARED: March 2nd 2018**

9.0 SUMMARY OF REPRESENTATIONS

Item 4.5

Objection Ian Plenderleith, 7 Chapel View, Station Road, Turton

Application Reference 10/17/1419

Dear Mr. Kenny,

I am writing to you to express my strong opposition to the above planning application. This report details the points I believe demonstrate the inappropriateness of any further development on this site.

Reasons for opposing the application are detailed below. In the first sections I have focused on non-compliance with National and local planning policies, followed by a detailed review of the specifics of the site and local area.

1. Non compliance with the National Policy Planning Framework (NPPF) - The NPPF sets out to promote sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker; where it would represent the optimal viable use of a heritage asset; where it would lead to reuse of a redundant or disused building; or the development is of exceptional quality or innovative design (para 55).

In the case of this development it is clear that;

- It does not promote sustainable development in rural areas;
- It will not enhance or maintain the vitality of rural communities;
- It is an isolated new home which:
 - Does not provide an essential need for a rural worker;
 - Does not represent the optimal viable use of a heritage asset;
 - Does not lead to the reuse of a redundant or disused building;
 - As I assume this is a paragraph 55 application the applicant will be stating it is of exceptional quality or design.

From the above it can be stated that that the proposed application definitely fails 6 out of these 7 tests. It may be claimed that it meets the 7th criteria, however this will always be subjective and, in a situation where it clearly fails all other tests, the application should not be permitted.

Moreover, as highlighted later in this report, the applicant already has a property some thirty metres or so from the proposed development site. Given this situation it would be gratuitous in the extreme for the council to permit the applicant to extend his negative environmental impact further into the Green Belt by building another property so close to the applicant's existing property. Why would the Council permit one person to do this, surely if the applicant wishes to build a 'my dream' paragraph 55 property then the applicant could modify his existing property to meet these specifications, without causing further damage the green belt, environment, wildlife, habitat and natural species of the West Pennine Moors.

2. Non compliance with local planning policies and strategies - Blackburn with Darwen Council has a core strategy to guide its duties and responsibilities to all the citizens of the borough. This document contains a number of policies that are designed to protect all citizens, the environment and the natural habitat of Blackburn with Darwen. On reviewing this document it is clear that application 10/17/1419 does not comply with a number of the council's own key policies.

Firstly, the Core Strategy Key Diagram (P37) shows the area by specific location categories. The area where the development is planned is in Chapeltown (inset villages - focus on limited scale housing meeting local needs), it is in the green belt, and it is in the West Pennine Moors, which is a unique local area of outstanding

natural beauty. This specific point regarding building outside villages is reiterated on page 40, where it states, “Outside villages the amount of new development will be tightly limited. Individual opportunities which will help diversify the rural economy or support tourism will be supported where they are appropriate in scale”.

This development does not diversify the rural economy or support tourism, it does not focus on meeting local needs (as further explained in section 4 below), it will further damage the green belt, and it will further damage the West Pennine Moors. As such it cannot be said to be compliant with the Council’s own core strategy.

Item 4.5

Policy CS5 locations for new housing. Point 8.7 on page 80 further develops this point stating, “(O)ur strategy therefore is to plan for larger family and executive housing - but to ensure that this is delivered in sustainable locations in or on the edge of the urban area”. It goes on to say, (O)ur preference in planning for higher market and executive housing will be those sites that are within the urban area or on the edge but not in Green Belt;”. The current development is in the Green Belt and the West Pennine Moors.

Clearly the location of the current development does not comply with the Council’s own policy CS5 for new housing.

Policy CS9, Existing housing stock. As detailed in section 4 below, there are a number of large executive style houses in the area that have been for sale for a long period of time. Policy CS9 states, “strategic housing policy will..... provide a balanced quantity and mix of residential housing to meet the needs of existing residents and attract new residents to the Borough.”

The empirical evidence of available large/executive housing within the local area shows that there is no requirement for additional housing of this type. There are already a number of properties that have stood empty for some time and adding another property of this type in this area will not help one of the Council own key performance indicators, which is the number of empty homes.

There is no need for another large home in the area (in fact the applicant already owns a large property in the immediate area). permitting this development does not comply with the Council’s own policy CS9.

Policy CS13, Environmental assets. The core strategy “aims to secure a “step change” in the approach to protection, enhancement and management of environmental assets”. In this instance the applicant is requesting to build another property some 30 metres from the applicant’s existing property, which will be within the Green Belt and West Pennine Moors. Should this development progress it is impossible to avoid negative impacts on the landscape, wildlife, habitat and local species. Moreover, as the applicant already has a property so close to the development area in effect the council will mean a totally unnecessary deterioration in the environment.

It is absolutely clear that if the Council aims to secure a “step change” in its approach to the environment, and it wishes to achieve its own strategic outcomes/targets (ensure all planning applications which would cause unacceptable impacts on the environment are refused permission) it should not permit this development. This development would cause an unnecessary and unacceptable degree of environmental impact and is in complete contradiction with the Council’s own environmental policy CS13

Policy CS14, Green Belt. The Council’s own policy document states that the general extent of the borough’s Green Belt will be maintained. In point 10.26 it goes on to state, “(O)ver the life of the Core Strategy it is acknowledged that there may need to be some urban growth into the Green Belt, in localised areas immediately adjacent to the urban boundary, to meet the needs of the Transformation Agenda (see para. 2.16).

In section 10.28 it further develops its thinking on Green Belt development;
Future work on Green Belt should take account of at least the following issues for green belt development.
“The case for the development proposed, having regard to:

- a. Its contribution to meeting quantitative targets for development, for example for employment land or for housing;

- b. *Its qualitative contribution to the overall objectives of the LDF and those of the wider sub-region, including MAA objectives, by virtue of the type of development proposed;*
- c. *Evidence that there is market demand for the development and that it will be delivered.*”

It is clear that this current development does not meet the Council’s own Transformation Agenda Item 4.5 no contribution to meeting quantitative targets, it makes no qualitative contribution to the overall objectives of the LDF, and there is no market demand for this type of development (now and future). As a consequence this development does not comply with policy CS14.

Policy CS18. The Borough’s landscapes. The Council recognises this importance of the landscape on the quality of life and attractiveness of the borough - 11.9, the Borough’s landscape is one of its key assets. This proposed development will have a negative impact on the local landscape which has been recognised during previous planning applications. All of these have been rejected for the following reason;

The principle of residential development on this site is unacceptable. It would quite clearly have a greater impact on the openness of the green belt.

Furthermore, permitting this development would also be in contradiction with one of the Council’s own key outcomes/targets - No developments which have an adverse effect or destroy landscapes by detracting from their distinctive features to be given planning permission.

It is not in doubt, and has already been officially stated that any development on this site would have an adverse effect on the local landscape. Therefore this development is not in compliance with the Council’s own policy CS18 and the precedents already set for this site by the Council.

3. Green belt land that should not be built on - Over the past two years there have been a number of speculative applications to build on this site, and on each occasion the Council has not permitted any development. In 2014 the Planning Inspectorate concluded that no permission had ever been given to build here and that proposals to build here must be regarded as inappropriate development which by definition is harmful to the green belt. In my discussions with council representatives I was informed that this meant that nothing can be done to the site which fundamentally changes its current characteristics. This is further confirmed in the delegated decision officers report for application 10/16/1080, which states *“it’s current status is a vacant piece of land. It has a some leftover construction material, but does not feature any development that could be perceived as affecting the openness of the Green belt”*.

This same report goes on to state *“In applying NPPF and Policy 3 of LPP2, and attaching significant weight to the Inspector’s decision, the principle of residential development on this site is unacceptable. The proposal would quite clearly have a greater impact on the openness of the green belt and the purpose of including land within it than the existing site, resulting in inappropriate development which by definition is harmful to the Green Belt”*. The report continues that special circumstances such as design quality have been noted, however they are not considered to outweigh the fundamental inappropriateness of the development.

As mentioned above, due to time constraints and the availability of information I have not had the opportunity to review all aspects of the plan in detail, however I do note comments made that the new planned construction will book end the existing development. However I would questions the need for this, why does the site need a bookend. The current views up the side of the hill are exceptional (see photo below), which any further development would significantly harm. *NPPF states that ‘very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations’*.



In summary the plans to build any development on this site will affect the Green belt and the openness of this site. Precedents have already been set for this site, stating that any changes to the current site will be harmful to the Green belt and damage the openness of this site.

Item 4.5

4. More large houses in Chapeltown/Edgworth area - There are already a number of unoccupied large houses that are failing to sell and/or struggling to sell. For example, in spite of being completed over two years ago, there are still three properties unsold on Chapel View, the new properties at Crowthorne are not selling well, and a cursory glance across house selling websites reveals a number of other large/expensive houses that have been on sale for long periods of time - out of respect for these property owners I will not mention them here.

From the above you can draw the conclusion that the broad economics of the area mean there is little appetite for more expensive properties in the area. It may be that the applicant plans to live in this property himself however he already has a similar, expensive property immediately across the railway which he may be giving to his family for use, this I do not know. Why would the Council permit the applicant to further pollute the Green Belt in this area by permitting the constructing of another large, expensive property? Is it in the sustainable long term interests of the Green Belt to enable housing stock to be constructed when there is little appetite for housing of this type and cost in the area?

In summary, the applicant already has a similar, expensive property within 20-30 meters of the planned development. Why would the council permit one individual to continue to build in areas of outstanding natural when there is no significant appetite for this type and expanse of property in the area.

5. The proposed property will significantly impact my property - Currently, from the north side of our property (i.e. we enjoy unrestricted viewing of moorland and the natural species that use this environment). The construction of the other chapel view properties is complete and the land on plot 8 is gradually returning to its natural state as moorland. This is a view we greatly enjoy, and as stated in section 3 above, is something that the Council and the Planning Inspectorate should continue to be preserved.O

I would also highlight that our property, number 7 is set back from other properties to protect the two trees in front of our house, as such our front south view is restricted by number 6. Should this planned construction go ahead our from view to the north will also be restricted by this extended development, effectively meaning we will be 'hemmed in' by properties on both sides. On initial review it appears that this development plans ground floor level buildings, and car parking, both of which will extend beyond the front and rear of our house obstructing our views.

Finally, and as can be seen from the photo above, the planned development will block and destroy the fabulous view up the side of the hill and valley.

In summary, this planned development will significantly impact both the front and rear of my property, and moreover, the extension at the front will render our property hemmed in to the North and the South. The planned construction and associated parking will significantly affect the openness of the Green Belt land on plot 8.

6. Paragraph 55 houses must be more than just the design and construction - To the best of my limited knowledge, paragraph 55 houses are of exceptional design and construction that blend in and add to the natural environment.

This must mean having a long term respect for the environment in which you live, and always ensuring that you and your property are not harmful to the Green Belt, and never more so in this case when the Council and the Planning Inspectorate have previously refused to permit and development on this site, ensuring that the Green Belt is protected.

As mentioned in section 4 above, the applicant has a property that is within 20-30 meters of the current planned development and which is immediately opposite my property. Given the applicant's interest in building a paragraph 55 property one would have expected the property where the applicant ~~Item 4.15~~ ^{Item 4.15} to also respect and fit in within the local environment.

The property in which we live is marketed as having exceptional views, and it is true that many of the views are exceptional. However there is one aspect of the view from the front of our property that is a real eyesore, and that is the view of the applicant's current property. Whilst the applicant's current property is neat and tidy, especially the parts and views enjoyed by the applicant, the visual impact on my family and the views from Chapel View are very negative indeed. Below are some examples of the problems that demonstrate a blatant disregard for the Green Belt and the wider environment.

- We are informed that the house is supposed to have a 'green roof' to help in blend into the environment, it doesn't as photograph 1 in appendix 1 shows, the roof is black roofing material that could not be said to be "green".
- The applicant has continually run a construction business from this domestic property, storing commercial vehicles and materials for business purposes. The visual impact of this on the Green Belt is not borne by the applicant, as this area is sheltered from the applicant's view, however it is suffered by the residents of us in Chapel View (photos two and three in appendix 1 demonstrate this). The back side of the property is effectively a builders yard.
- The applicant uses part of the property to store and burn scrap materials. Once again, the visual impact of this on the Green Belt is not borne by the applicant, as this area is sheltered from the applicant's view, however it is suffered by the residents of Chapel View (photos four and five in appendix 1 demonstrate this).
- Related to the above point is fire risk, and it should be highlighted that in 2015 it was only the actions of my wife and a fellow Chapel town resident that stopped a fire taking hold - the fire service had to be called out - that could have caused the house to burn down.

In summary, I would estimate that paragraph 55 living means long term respect for the Green Belt and the environment in which one lives, taking care to ensure that you minimise your impact on areas of outstanding natural beauty such as the West Pennine Moors. From the photos and examples in this report it is clear that the principles of respect for the Green Belt have not been demonstrated, and this is from a property that is only 20-30 metres from the planned development. Given this body of evidence, one would expect the Council to ensure that it reviews this development as a long term environmental project where the negative impact on the Green Belt could easily extend well beyond design and construction.

Moreover, and as mentioned above, when considering this application the Council should also take into account that the applicant already has a property some 30 metres from the existing site. It would be surprising if "very special circumstances" could ever exist when the applicant already has a property so close by. Special circumstances definitely do not exist solely because an applicant has the money and desire to build an expensive property in the Green Belt, and another expensive property so close to the applicant's current property. The Green Belt in the West Pennine Moors is there to be enjoyed by everyone. Just because one individual can afford an expensive property does not mean they should be able to build one, and never more so when the development clearly does not comply with national planning policy and Blackburn with Darwen's own core strategies and policies.

There is no need to build this property, it will cause further unnecessary environmental damage to further to the Green Belt and the West Pennine Moors.

7. Conclusion

In its rejection of application 10/16/1080 the Council quoting the NPPF stated, *“very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations”*. This response and other reviews carried out by the Council clearly demonstrate that any development on this site will harm the Green Belt, that point is not in doubt. It is therefore incumbent on the Council to ensure that other considerations put forward by the applicant outweigh these downsides and give rise to “very special circumstances”.

This response highlights a number of points that demonstrate that this planned development does not comply with the national and local policies, and considerations that add further weight to the inappropriateness of this planned development.

In addition to the non compliance with numerous policies, if this construction of large property on green belt land is not declined, there will be a significant negative impact on the landscape of the area, there will be the construction of another large expensive property in an area where there is not any real appetite for such expensive properties - there is simply no need for another large house, and there will be the ‘beyond construction’, long term sustainability risk to the Green Belt and surrounding areas.

Support Cllr Colin Rigby

Martin

The following note is in support of the above application, and my comments are listed below.

- 1) This was a previously developed brown field site, being part of a mill building.
- 2) I understand that a previous application was supported by the planning committee.
- 3) The original planning consent on the old mill site was for seven HUF houses, when these failed to sell, a re-application for less costly houses was submitted and passes, a check with your

Building Inspectorate, will clearly indicate that these houses were not apparently built to specification.

- 4) The current application has been reviewed by Places Matter, who have produced a favourable report.

Given the above circumstances I can see no other option than approval. _____

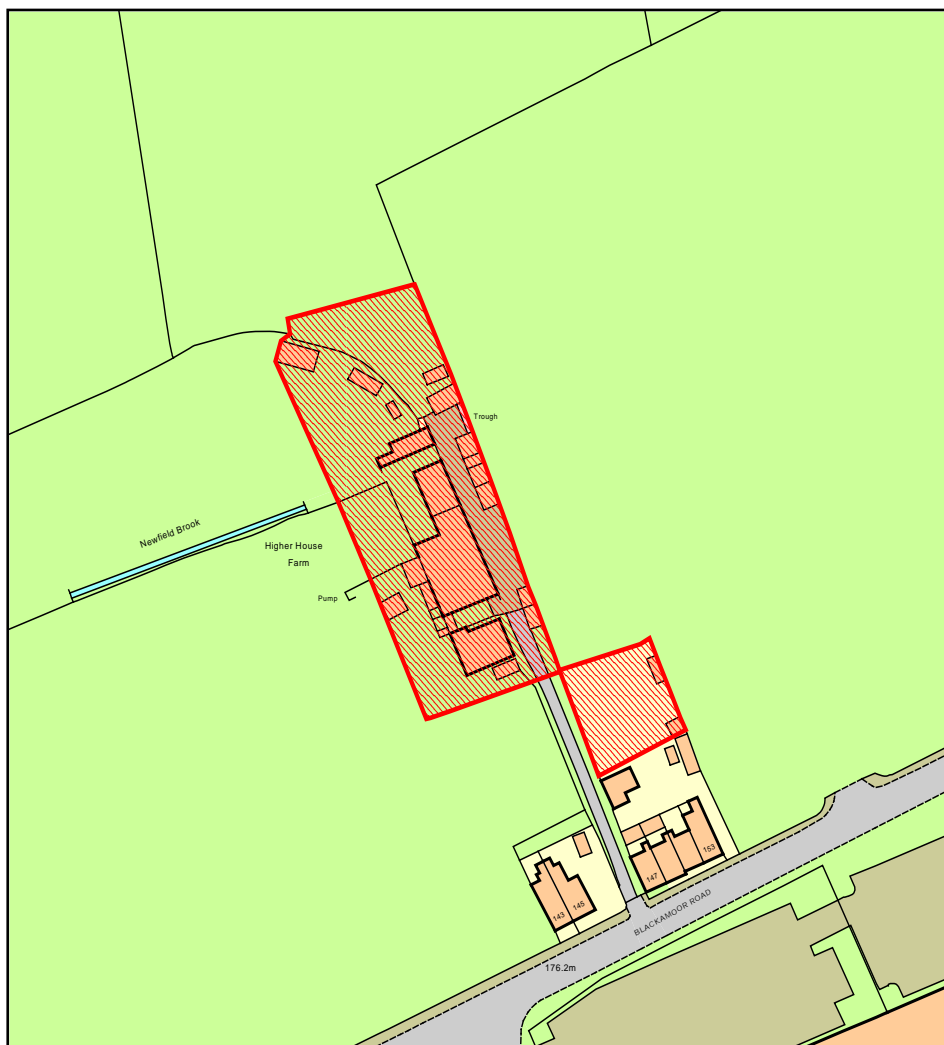
Proposed development: Prior Approval for demolition of Higher House Farm, outbuildings and adjacent garden sheds, comprising 1no. main building two storey structure and approximately 26 outbuilding/garage/shed type structures.

**Site address:
Higher House Farm
Blackamoor Road
Lower Darwen
BLACKBURN
BB1 2LG**

Applicant: Blackburn with Darwen Borough Council

Ward: Queens Park

**Councillor Faryad Hussain
Councillor Salim Mulla
Councillor Mustafa Ali Desai**



1.0 SUMMARY OF RECOMMENDATION

Item 4.6

1.1 PRIOR APPROVAL IS GRANTED; subject to works being undertaken in accordance with the submitted and reviewed information.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is in the form of a prior notification submission for the proposed demolition of a series of buildings within a redundant agricultural unit.
- 2.2 As the application relates to land owned by Blackburn with Darwen Borough Council who are also the applicants, determination must be made by the authorities relevant Committee, in accordance with Regulation 3 of The Town and Country Planning General Regulations 1992.
- 2.3 As a prior notification application, assessment is based on the limitations of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015, which sets out that any building operation consisting of the demolition of a building is permitted development unless;
- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;
 - (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area or;
 - (c) the building is a “specified building”* and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.
- *specified building means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order; which is a community asset or has been nominated as such.
- 2.4 Development is permitted in accordance with the above, subject to the condition that the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.
- 2.5 It is accepted that the proposal is compliant with the aforementioned limitations set as (a) – (c).
- 2.6 Further consideration has been applied as to the method of demolition and land restoration, through a review of the submitted supporting information. An appropriate scheme of Japanese Knotweed eradication and management of ecological issues is considered acceptable. Prior approval of the following key issues is, however, required:

- Demolition methodology and management of contractors vehicles
- Management of the culvert Item 4.6
- Impact on the perseveration of below ground remains of the building, relative to representation made by the Lancashire Archaeological Advisory Service.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a series of vacant buildings erected during the first half of the 19th Century. They sit within a wider, redundant agricultural unit located and accessed to the north of Blackamoor Road, between nos. 145 and 147, from an unmade track. The buildings to be demolished include the main farmhouse and circa 26no associated outbuildings.

3.1.2 The site includes a 450mm wide culvert running in an east to west direction.

3.1.3 The buildings are to be demolished in preparation of the site accommodating a new road to link from the Roman Road to Blackamoor Road, through the housing allocation identified in the Blackburn section of the Adopted Policies Map of the Local Plan Part 2. The new road will alleviate traffic congestion at the junction of Roman Road and Blackamoor Road.

3.2 Proposed Development

3.2.1 Prior notification of the proposed demolition of a farmhouse and 26no associated outbuildings; for determination as to whether or not the method of demolition and land restoration requires the prior approval of the Local Planning Authority; as set out in the submitted reports and drawings.

3.3 Assessment

1.3.1 As aforementioned, demolition is in accordance with the limitations of Schedule 2, Part 11, Class B of the (General Permitted Development) Order 2015 and is, therefore, accepted as permitted development, subject prior approval of the method of demolition and land restoration.

1.3.2 A comprehensive "Demolition Phase Health Safety and Environmental Plan" has been submitted which sets out proposed management of the key impacts of the development, including site access and vehicle movements; road cleaning; dust and air emissions; noise; vibration; water management; burning; waste management; ecology and general housekeeping. The plan supplements information originally submitted including a demolition plan and swept path analysis. The information has collectively been reviewed by the colleagues in Public Protection and Highways and is considered sufficient to address issues considered to require the authority's prior approval.

- 1.3.3 The Council's Highways consultee has recommended that a highway condition survey is submitted prior to the commencement of on-site works. As the scope of the assessment is limited to the method of demolition and land restoration, the requirement cannot be considered in this assessment. An appropriate informative can, however, be applied to the decision notice to advise that contact is made with the Traffic / Street Works team, prior to commencement of works.
- 1.3.4 In respect of the identified culvert running through the site; the Council's Drainage consultee advises that the demolition contractor must take all necessary precautions to ensure that the watercourse is not contaminated as a result of the demolition works and, prior to taking possession of the site, must complete a consent form in order for the Council to approve works in close proximity to the working culvert. Moreover, the contractor must ensure that the culvert remains undamaged and fully operational during the course of on-site works.
- 1.3.5 Lancashire Archaeological Advisory Service has commented on the application to advise of historic interest of the buildings subject of demolition, given their construction likely dating from the first half of the nineteenth century, which is recognised as the most important period of farm building development in England. Accordingly, it is considered appropriate to undertake a Building Record Survey prior to commencement of on-site works.
- 1.3.6 Summary
This report assesses the prior notification application for the proposed demolition of the buildings at Higher House Farm. In considering the proposal, all material considerations have been taken into account to inform a balanced recommendation.

4.0 RECOMMENDATION

4.1 Grant prior approval subject to the development being carried out in accordance with the following submitted documents and drawings:

- Demolition Phase Health Safety & Environmental Plan
- Bowland Ecology Survey November 2017
- Building Record Survey
- Capita Ecological Appraisal July 2017
- General Method Statement December 2017
- Drawing nos: 5955/DE75 004; 5955/DE75 003 Rev A; 5955/DE75 002; 5955/DE75 001 & 5955/DE75 004 Rev A

5.0 PLANNING HISTORY

5.1 None

6.0 CONSULTATIONS

- 6.1 Public consultation was carried out by display of a site notice; in accordance with the requirements of the Schedule 2, Part 11 of the (General Permitted Development) Order 2015
- 6.2 Highways
No objection subject to implementation of submitted highway management details and agreement with traffic works team on a highway management plan.
- 6.3 Public Protection
No objection subject to implementation of the submitted methodology of demolition management.
- 6.4 Drainage
No objection subject to gaining consent for works in close proximity to the watercourse running through the site.
- 6.5 Ecology
No objection subject to implementation of recommendations of Ecology Survey.
- 6.6 Lancs Archaeological Advisory Service
No objection subject to production of a Building Record Survey.
- 7.0 CONTACT OFFICER: Nick Blackledge, Planner - Development Management.**
- 8.0 DATE PREPARED: 20th February 2018.**

Proposed development: Full Planning Application for proposed entrance works to Darwen Market Hall / annex building.

**Site address:
Darwen Six Day Market
Croft Street
Darwen
BB3 1BH**

Applicant: Blackburn with Darwen Council

Ward: Sunnyhurst

**Councillor Dave Smith
Councillor Brian Taylor
Councillor Pete Hollings**



1.0 SUMMARY OF RECOMMENDATION

Item 4.7

1.1 APPROVE – Subject to conditions set out in paragraph 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1. The proposal will see the installation of a new fully glazed curtain walling system with automated door to the existing secondary entrance to Darwen Market Hall, which sits within the annex building adjacent to the Town Hall. The building accommodates market facilities and a roof level car park. The parapet wall to the car park which sits above the entrance is proposed to be over clad in faience panels, locally produced by 'Darwen Terracotta and Faience'. It is noteworthy that Darwen is renowned for being one of only a handful of places in the world for making faience.
- 2.2 The proposal will reinforce the presence of the entrance, appearing as a modern and vibrant alteration contrasting with the historic Victorian context of the adjoining Town Hall and complementing the public realm area proposed for the space formally occupied by the 3 Day Market Building, which was recently demolished.
- 2.3 The key issues to be addressed in assessment of the proposal are:
- Principle of the development
 - Heritage impact of the development, which sits within the Darwen Town Centre Conservation Area.
 - Design
- 2.4 Careful consideration has been applied to the design of the proposal, in consultation with the Council's appointed Conservation Officer, in order to present a scheme sympathetic to the area, thereby ensuring the sustainability and enhancement of the Conservation Area setting and the wider Town Centre. The proposal is considered to support the Council's Core Strategy, Town Centre Strategy and Action Plan (2013-2018) objectives, as well as achieving compliance with relevant national, Local Plan Part 2 policies and the Darwen Town Centre Conservation Area Supplementary Planning Document (SPD).

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is located in the heart of Darwen Town Centre. The entrance building is a leftover detail from the demolition of the hexagonal 3 Day Market that requires enhancement. It adjoins the Town Hall at its eastern flank and fronts the space formally occupied by the Market; a space that is subject to the ongoing design preparation of a new public realm, by Capita Landscape Architects, to create a new civic square. This will be subject to a separate application for discharge of condition to consider proposed hard and soft landscaping relative to the permission granted for the demolition of the 3

Day Market Hall (ref. 10/17/0774). The proposed new annex entrance forms part of the overall scheme of enhancement works. Item 4.7

3.1.2 The annex building was erected circa early 1960's and was considered at the time to be a contemporary addition to the traditional Victorian Darwin Town Hall. The Town Hall, despite its historical significance is not listed but lies within the Darwin Town Centre Conservation Area. The annex is now viewed as an unsympathetic addition, within the Victorian context, which fails to either sustain or enhance the Conservation Area. The demolition of the 3 Day Market and covered walkway has resulted in parts of the annex building becoming external features whereas they were originally internal.

3.2 Proposed Development

3.2.1 Planning permission is sought for a new glazed curtain walling system and automated door. Overcladding of the existing concrete wall of the roof level car park is also proposed, in a locally produced faience material, which will incorporate a geometric pattern representative of motifs that are featured on the steel structure of the Victorian Market Hall; as set out in the submitted drawings.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwin Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 11 – Design
- Policy 39 – Heritage

3.3.5 Darwen Town Centre Conservation Area SPD (2013).

Item 4.7

This document provides targeted advice to ensure high quality new development within Darwen Town Centre. It explains that the site historically *“would have had an open market and stalls are still evident in the retaining wall below Railway Road”*. It highlights the 3 Day Market as a *“negative building”* in terms of design, quality and its contribution to the townscape and states that it *“detracts from the square as it obscures the unique form of the space and vistas of Holker House and the Wesleyan Chapel”*. The SPD also promotes opportunities to *“address existing buildings that erode character and quality, encourage re-use of vacant and underused buildings and enhance the public realm with appropriate materials”*

3.4 Other Material Planning Considerations

3.4.1 Town Centre Strategy and Action Plan (2013 – 2018)

This document emphasises the need to improve the town centre offer and make the most of the quality assets that Darwen has. It also aspires to make the 3 Day Market more inviting and desirable.

3.4.2 The Pennine Lancashire Heritage Investment Strategy 2015 – 2020.

3.4.3 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14).

Paragraph 23 sets out the presumption towards ensuring the vitality of town centres and paragraph 131 sets out the approach to decision making concerning heritage assets.

3.5 Assessment

3.5.1 In assessing the application there are a number of material considerations that need to be taken into account, as follows:

3.5.2 Principle and compliance with heritage objectives / character and appearance.

The council's appointed heritage consultee has been fully involved in pre-application discussion in support of the application.

3.5.3 The overall design of the building is simple, consisting of glazed elevations and a faience fascia to the front. It does not physically impact upon the Victorian building that it adjoins and will be seen as a contrast between the traditional and the contemporary. Faience is a form of glazed terracotta and is associated with buildings of the art nouveau, art deco and post-modern periods. Whilst Darwen is recognised as principally a Pennine sandstone town, faience and terracotta are visible as a secondary or decorative material.

As an ornamental and relatively small detail, it is considered to reinforce the underlying character and appearance of the Victorian Market Hall and wider conservation area setting. The final colour of the faience is yet to be decided. Accordingly, it is recommended that an appropriately worded condition is applied to secure detail of colour prior to the commencement of development.

3.5.4 The proposal will serve to enhance the character and appearance of the conservation area, in compliance with the design and heritage objectives of Local Plan Policies 11 and 39; the Darwen Town Centre SPD and The Framework.

4.0 RECOMMENDATION

4.1 **Approve** – subject to conditions which relate to the following matters:

- Commencement of development within 3 years
- Prior to commencement of the development submission of colour detail of the faience cladding.
- Development to be carried out in accordance with the approved drawings.

5.0 PLANNING HISTORY

5.1 The following planning application relates to the application site.

- 10/17/0774: Demolition of the 3 Day Market Hall.

6.0 CONSULTATIONS

6.1 Heritage / Conservation Officer
No objection.

7.0 CONTACT OFFICER: Nick Blackledge, Planner – Development Management.

8.0 DATE PREPARED: 27th February 2018.

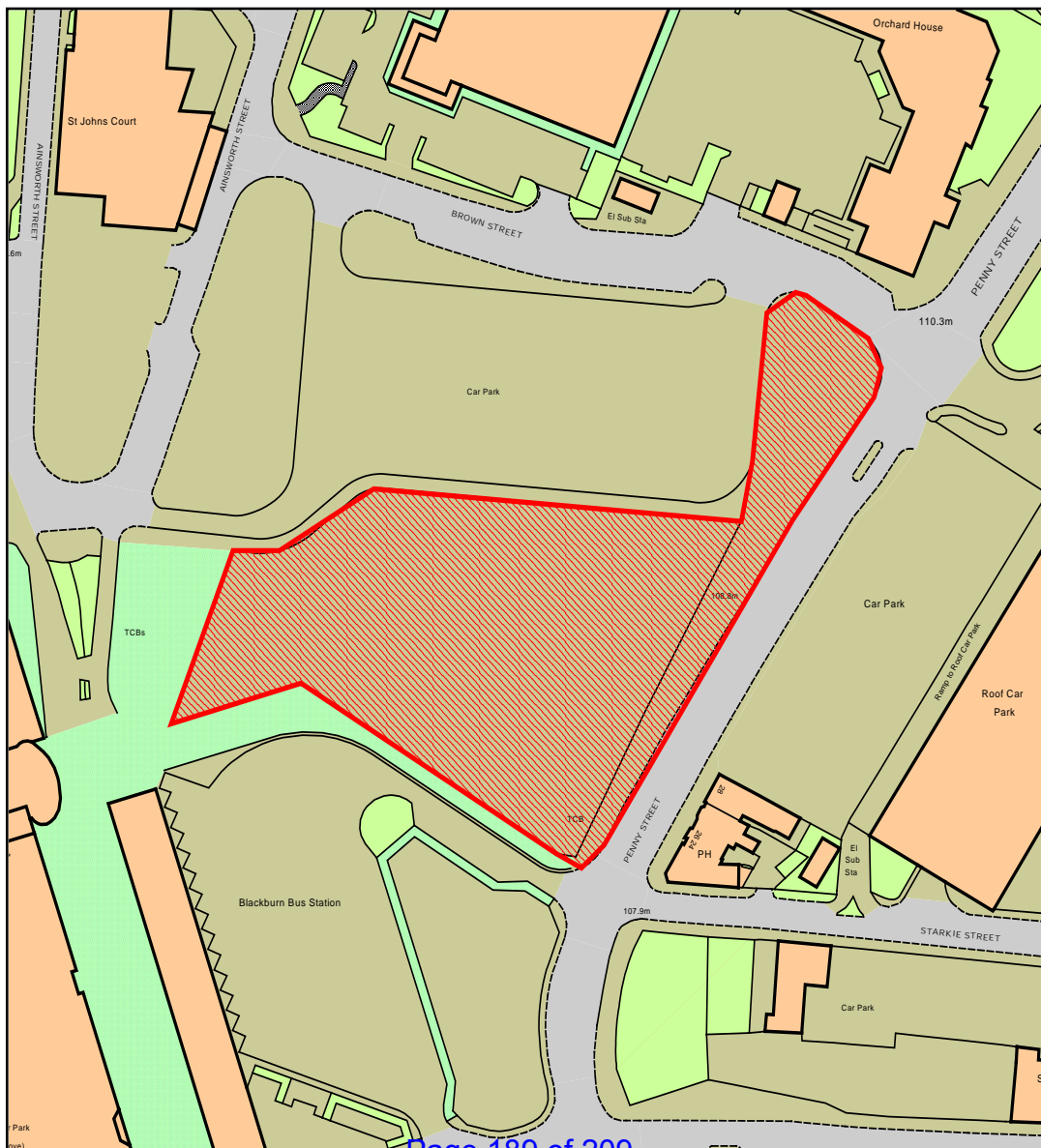
Proposed development: Full Planning Application for development of land at Brown Street / Penny Street to provide a temporary area of hardstanding for events and overspill car parking. Works to include site clearance, earthworks surfacing and footpath improvements.

**Site address:
Land at Brown Street / Penny Street
Blackburn**

Applicant: Blackburn with Darwen Brough Council

Ward: Shear Brow

**Councillor Hussain Akhtar
Councillor Suleman Khonat
Councillor Shiraj Vali**



1.0 SUMMARY OF RECOMMENDATION

Item 4.8

1.1 APPROVE – Subject to conditions set out in paragraph 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1. The proposal will see the creation of a temporary robust hardstanding area for town centre events as well as providing further car parking capacity, to supplement the existing adjacent car park and the overall town centre car parking capacity. Beyond the expiration of the temporary use of the site, it is envisaged that the land will host a main town centre use or uses, such as retail, leisure, offices and hotels.
- 2.2 The application site currently hosts occasional events, such as the annual February Funfair. Ground conditions thereafter are often wet and muddy and generally unsuitable for safe and practical use. Accordingly, the Council seeks to reprioritise the land into an area that can be used to host town centre events on a more robust surface that will allow for the safe movement of foot traffic by efficiently removing surface water from the area. When there are no events ongoing, the area will be used as an overflow car park to the adjacent Brown Street car park; an offer that will help offset the parking that will be lost following the impending demolition of the Thwaites building which currently provides a significant number of parking spaces.
- 2.3 The new parking area will create circa 120 spaces, set out at a minimum 2.4m by 5m and 12 mobility or parent / child spaces, at a minimum 3.6m by 5m; in accordance with the Council's adopted car parking standards. The car park will operate on a pay and display basis and will be set out in accordance with a design that maximises the amount of spaces to be provided and provides appropriate internal circulation. Access / exit will be at a barrier controlled point from the existing Brown Street car park, access to which is previously established from Brown Street and exit onto Ainsworth Street. The area will not be individually signed, instead being reliant on signage serving the existing Brown Street car park. The boundary footway to the east will be resurfaced to provide a suitable and safe walking surface.
- 2.4 The site will be drained using traditional drainage runs and a gully system to a connection point in the Council's highway drainage network.
- 2.5 The key issues to be addressed in assessment of the proposal are:
- Principle of the development
 - Highway impact
 - Design
- 2.6 Careful consideration has been applied to the temporary nature of the proposal as an appropriate interim use of the site, pending its longer term redevelopment. The overall design of the proposal, in consultation with the Council's Highways and Drainage consultees, is considered to secure a scheme that provides for safe and efficient movement of highway users, including pedestrians. Accordingly, it is considered to support the Council's

Core Strategy and Town Centre Strategy objectives, as well as achieving compliance with relevant national and Local Plan Part 2 policies. Item 4.8

3 RATIONALE

3.3 Site and Surroundings

3.1.1 The application site comprises an area of undeveloped land formed of granular ex-site material, consisting of 0.70 hectares in area. It lies immediately to the north of Blackburn Bus Station, within Blackburn Town Centre and is bound by Brown Street temporary car park to the north; Ainsworth Street to the west and Penny Street to the east. The site which is currently vacant formerly accommodated a temporary bus station, until the permanent Blackburn Bus Station was constructed. Historically, prior to the introduction of the bus station, the site formed part of the Blackburn indoor market confines.

3.1.2 The land is owned wholly by Blackburn with Darwen Borough Council.

3.2 Proposed Development

3.2.1 Planning permission is sought for the formation of a hardstanding area to cater for large events and to provide overspill car parking from the adjacent Brown Street public car park.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- Cs13 – Environmental Strategy
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People

- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport Item 4.8
- Policy 11 – Design
- Policy 26 – Town Centres – a Framework for Development
- Policy 28 – Development Opportunities

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

Section 4 of The Framework sets out the rationale of promoting sustainable transport. Paragraph 40 states that: Local Authorities should seek to improve the quality of parking in town centres so that is convenient, safe and secure, including appropriate provision for motorcycles.

3.5 Assessment

3.5.1 In assessing the application there are a number of material considerations that need to be taken into account, as follows:

3.5.2 Principle

The site is allocated as a 'Development Opportunity'. Policy 28 sets out the preferred use or uses as retail, leisure, offices and hotels. It is recognised that the site will, in the longer term, be redeveloped in accordance with these principles. As a proposal to introduce an interim use in the meantime, to an otherwise primarily vacant site, it is considered to appropriately contribute to the viability and vitality of the town centre. The principle of the proposal is, therefore, supported as compliant with the Council's town centre growth objectives as set out in Policies 26 and 28.

3.5.3 Impact on Highway Safety

In March 2016 a supporting Transport Statement was produced for the aforementioned adjoining Brown Street car park. Due to the proximity of the two sites, it is considered that the statements conclusions can broadly be applied to the current proposal. Notwithstanding the additional number of spaces the scheme provides for, the impact on the surrounding highway network is considered to be negligible in the context of the town centre. Moreover, the impending loss of circa 237 car parking spaces as a result of the demolition of Thwaites Brewery offsets the impact of the proposal.

3.5.4 Vehicular access into the car park will be taken from the Brown Street car park. No new access / exit points are proposed into the surrounding highway network. The pedestrian access path from Brown Street car park through the existing footpath will include an uncontrolled crossing with tactile surfacing. This footway will connect into the footway on Penny Street and Ainsworth Street; ensuring appropriate pedestrian accessibility.

- 3.5.5 The 132 spaces provided, including 12 mobility or parent / child spaces together with circulation space are appropriate for the scale of the site, in accordance with the Council's adopted car parking standards.
- 3.5.6 At peak times, queues will form within the application site and Brown Street car park, rather than on the surrounding highway.
- 3.5.7 The proposed barrier system at the access / exit point of the application site will be height restricted with lockable arms at low and high levels which will allow zero restricted height or full admittance.
- 3.5.8 The location of the site is considered to be highly sustainable, accessible via a choice of non-car modes and will support the Council's sustainable transport objectives by balancing existing and future car parking demand alongside other sustainable transport measures. The Transport Statement for the Brown Street car park provides details of an emergent sustainable Travel Plan for the area.
- 3.5.9 In the absence of any adverse highways or transport impacts, the proposal is considered to comply with Policy 10 of the Local Plan Part 2 and The Framework.
- 3.5.10 Amenity
The proposal presents no amenity concerns, in the context of the town centre setting. No additional lighting columns are to be provided and no significant impact on air quality will arise.
- 3.5.11 Drainage
The site lies within an area identified as Flood Zone 2 and a culvert runs through its centre in north to south direction. A Flood Risk Assessment was undertaken for the Brown Street car park, which also informs the current proposal. The site is summarised as being at an overall low risk of flooding. Moreover, there are no reported historical flood records for the area.
- 3.5.12 Design / Character and Appearance
The hardstanding respects the wider context of the area and is appropriate within the town centre setting. It will provide a more suitable surface than the current wet and boggy conditions that create an adverse visual impact. Moreover, the landscaping at the perimeter edges of the bus station and along Penny Street will be retained.
- 3.5.13 Summary
This report assesses the planning application for the proposed hardstanding and car park use. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation.

4 RECOMMENDATION

Item 4.8

4.1 Approve – subject to conditions which relate to the following matters:

- Implementation within 3 years of the date of approval.
- The approved use shall cease within 3 years after the date of this permission.
- Development to be carried out in accordance with the approved drawings.

5 PLANNING HISTORY

5.1 The following planning applications relate to the application site:

- 10/16/0391: Temporary use of land as a Car Park with provision of lighting columns.

6 CONSULTATIONS

6.1 Highways

See update

6.2 Drainage

See update

6.3 Environment Agency

No objection.

6.4 Public consultation has taken place by means of displaying 3 Site Notices displayed. No written representations have been received in response.

7 CONTACT OFFICER: Nick Blackledge, Planner - Development Management.

8 DATE PREPARED: 2nd March 2018.

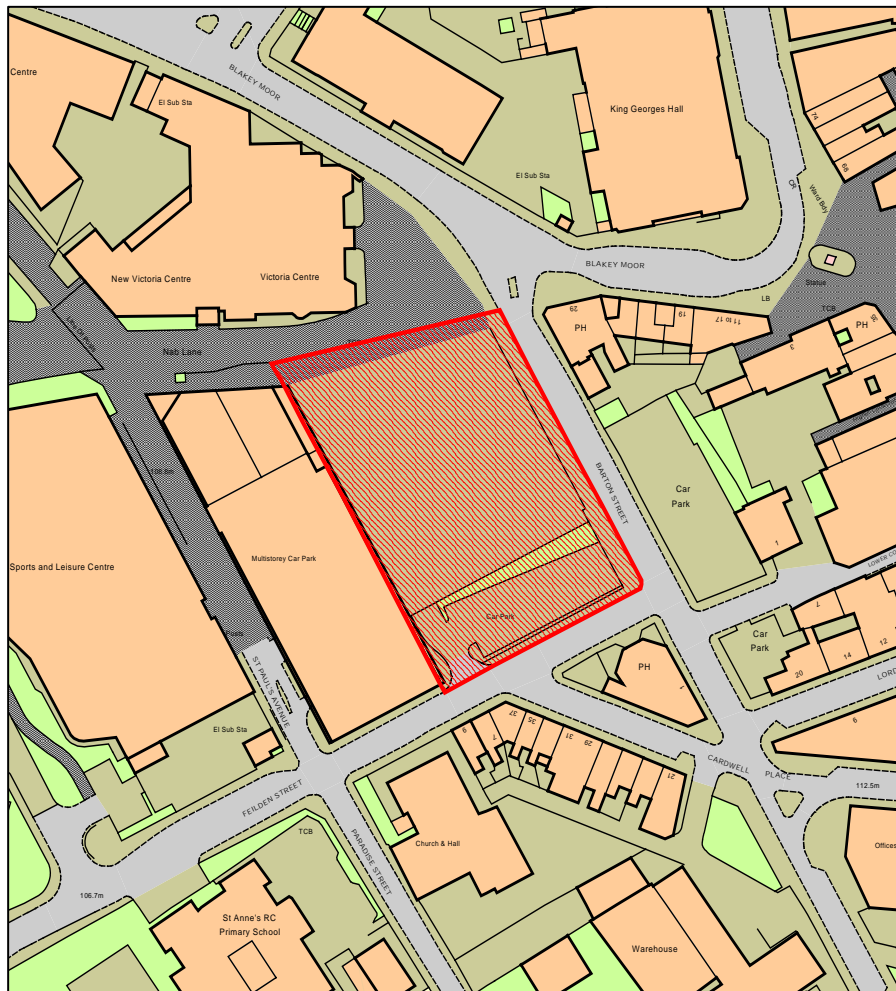
Proposed development: Redevelopment of the former Waves Leisure Centre site to include an 8 screen cinema, two A3 units (restaurants and cafes) together with under-croft car parking and associated landscaping.

Site address: Former Waves Water Fun Centre, Nab Lane, BLACKBURN, BB2 1LN

Applicant: Blackburn with Darwen Borough Council

Ward: Wensley Fold

Councillor Dave Harling	
Councillor Mohammed Khan O.B.E.	
Councillor Quesir Mahmood	



1.0 SUMMARY OF RECOMMENDATION

Item 4.9

1.1.1 APPROVE – subject to recommended conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 The proposal will deliver a modern mixed-use leisure development which will strongly support the Borough's aspirational aims of a wider town centre offer on an allocated development opportunity site. It supports the Borough's planning strategy for enhancing the leisure offer whilst developing the evening economy within the Northgate Quarter and enhancing the Conservation Area. The development will also see the re-development of a brownfield site within a defined Inner Urban Area which is supported by Local Plan Part 2 Policy 2.

2.1.2 The application site is located at a prominent point where the college campus meets Blackburn Town Centre, and is a principal walking route into the town centre within the historic Northgate Conservation Area. The proposed development will ensure that this prominent site and its immediate surroundings will become an extremely attractive public space during the daytime and into the evening. This will be achieved by the development of the high quality building, the inclusion of attractive canopy lighting features and associated improvements to the public realm which will encourage increased activity and safety in the area and improved access to the Feilden Street Car Park. The associated works to the adjacent public space, which will form Jubilee Square, between some of the town's key attractions of King George's Hall, Blackburn Leisure Centre, the Technical College and the application site will bring dynamism to this public space. The proposed cinema building has been designed to be a discernible and positive new addition to the area, and one which enhances the character of the Conservation Area.

2.1.3 The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through the recommended planning conditions.

2.1.4 The key issues to be addressed are as follows:

- Development Plan designation & principle of development
- Site layout and design issues
- Impact on amenity
- Highways & transportation
- Drainage and flood risk
- Heritage.

3.0 RATIONALE

Item 4.9

3.1.1 Site and Surroundings

- 3.1.2 The application site is located within the defined town centre boundary of Blackburn and in the Northgate Conservation Area. It comprises a rectangular parcel of land which is currently vacant. The site was previously in use as Waves Leisure Centre until its demolition in 2016.
- 3.1.3 The site is open to three of four sides, the multi-storey Feilden Street car park sits almost directly adjacent on south-western boundary. To the north lies the Grade II listed Victoria Centre. To the east and south are a mixture of commercial shops and eateries. The area generally is characterised as the point where the college campus meets the town centre, comprising old and new buildings, the leisure centre, car parks and commercial/retail units.
- 3.1.4 The topography of the site sees the levels fall gradually from the north-east corner down to the south-west corner, a fall of some 2.5m.

3.2 Proposed Development

- 3.2.1 Planning permission is sought for the construction of an 8 Screen Cinema (2,084sqm) and two A3 units (restaurants and cafes) of 150sqm & 169sqm approx) confined within one building; with an undercroft public car park below the building. The building will be visible over two distinct heights, a large glazed entrance foyer fronting Nab Lane measuring approximately 7.2m in height and a rear box section featuring a parapet roof at an approximate height of 11.5m.
- 3.2.2 The cinema will cater for up to 1000 visitors and include an entrance foyer with seating, ticket stands with a concessions area which includes a bar area. Due to the environment that cinemas operate under with late night screenings and the town centre location no proposed hours of operation are requested.
- 3.2.3 The two A3 units (restaurants and cafes) offer no figure on the number of covers to be incorporated into the scheme as no end users are proposed at this time. Additionally, the no restrictions on the hours of opening are proposed, to allow the units to operate in conjunction with the cinema as well as other town centre uses.
- 3.2.4 Boundary treatments will see the introduction of seating areas and planting along the Nab Lane and Barton Street frontages with a mix of hard and soft landscaping. The western boundary of the site will be secured to allow for an emergency route out of the cinema and also a well-lit route from the undercroft car park into the cinema is proposed. The application is also accompanied by a landscaping plan to be introduced across the site.

3.2.5 Pedestrian access to the site is available from the undercroft car park and via Barton Street to the entrance from Nab Lane. Upon entry users will be covered by the canopy, offering an external waiting area proving access to the Cinema and A3 units.

3.2.6 Separate vehicular and pedestrian access and egress to the proposed car park would be provided off Feilden Street via two priority junctions. The majority of the parking spaces are located underground, with some surface car parking spaces to be provided to the south of the building. The provision includes 10 spaces for electric vehicles, with charging points, and eight disabled parking spaces. Provision for motorcycle parking is provided in the undercroft car park along with pedestrianised zones for safe movements of users. Servicing for the site is to be undertaken from the service compound located off Feilden Street. The undercroft car park is proposed to be a public pay-and-display car park, to be used by all visitors to the town centre.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the 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:

3.3.3 Core Strategy

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage
- Policy CS22: Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 26: Town Centres – a Framework for Development
- Policy 28: Development Opportunities

- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 39: Heritage Item 4.9
- Policy 40: Integrating Green Infrastructure

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph 14).

3.4.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport;
7. Requiring good design
12. Conserving and enhancing the historic environment

3.4.3 Additional material planning considerations:

- National Planning Practice Guidance (NPPG)
- Planning (Listed Buildings and Conservation Areas) Act (Adopted 1990)
- Northgate Conservation Area Character Appraisal (Adopted June 2009)
- Northgate Conservation Area Development Guide (Adopted June 2009)
- Blackburn with Darwen Borough Council Parking Standards (Adopted April 2014)
- Blackburn Town Centre Public Realm Strategy (June 2009)

3.5 Assessment

3.5.1 Principle of the development

The application site is allocated on the adopted Policies Map as being a 'Development Opportunity' (LLP2 Policy 28/11). Policy 28/11 indicates that, "planning permission will be granted for a range of uses, either as stand-alone uses or as a mix of uses" including residential, employment, leisure, entertainment, culture and tourism. The NPPF, at paragraphs 18 and 19, is committed to securing and supporting sustainable economic growth, requiring Local Planning Authorities to plan proactively to meet the development needs of business. The Framework further states that Local Planning Authorities should

promote competitive town centre environments, recognising that town centres are at the heart of communities and their vitality and viability should be supported. The principle of the development is, therefore, accepted and encouraged, in accordance with Local Plan Policies and The Framework's presumption in favour of sustainable development, which should proceed without delay; acknowledging 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.

Design and Layout

3.5.2 Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF which seeks to secure high quality design.

3.5.3 A detailed Design and Access Statement accompanies the application, and sets out the key design principles which are taken forward in the application proposals design response, reflecting not only the policy requirements but the comments given by officers as part of extensive pre-application discussions. These design driver considerations include:

- Site context of the surrounding area
- Scale and massing
- Elevations and materials
- Sense of arrival
- Internal arrangement
- Site access and use
- Hard and soft landscaping
- Security and operation
- Servicing of the site and;
- Flood risk.

3.5.4 The building has a modern yet sympathetic flat roof design positioned over two-levels incorporating a parapet, screening the plant room on the box rear section. The large glazed entrance foyer and canopy allows for the facilities to be used all year round providing an active frontage to entice people into the public realm whilst offering protection from the elements.

3.5.5 The building is constructed of stone-coloured textured brick to the lower section, with cladded panels which are set out in a variety of shapes and patterns in a mix of browns/bronze colours with matte and reflective textures. The entrance foyer is predominately glazed with an

aluminium canopy and entrance lighting. The car park is to be enclosed with matching walling, mesh panels and fenced areas to harmonise with the building and provide safety and security. This design approach ensures the development sits well within the context of the area, reduces the visual impact on the low level surrounding terrace buildings, and is positioned to frame the public realm and the Grade II Listed Technical College.

3.5.6 The proposal is considered to be well designed, forming a sympathetic yet contemporary addition to the surrounding area. Construction materials are key to the design, and it is considered important to ensure that those used are sympathetic to the surrounding area so as not to compromise the overall appearance of the locality. As such, a condition requiring material samples to be submitted is recommended.

3.5.7 High quality landscaping is an important feature of this proposal and the applicant has submitted a landscaping scheme covering both hard and soft surfacing and planting areas. The Council's Arboricultural Officer has requested further details regarding the species and location of trees alongside Barton Street, which are recommended to be clarified via a suitably-worded planning condition. Furthermore, following comments from Lancashire Constabulary on security of the development, the applicant has requested a final landscaping scheme to be agreed to allow for additional security features to be incorporated into the scheme which are likely to influence the final landscaping scheme.

3.5.8 In summary, the comprehensive details submitted relating to the design and layout of the proposal are considered to demonstrate that the building and infrastructure accords with the provisions of the relevant policies of the development plan, and landscaping details can be finalised by way of planning condition.

3.5.9 Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.10 The Council does not have any prescribed minimum separation distances between dwellings and community buildings, such as a cinema. However, minimum distances of 21m between habitable room windows are identified within the Council's adopted Residential Design Guide SPD. A figure that can be revised upwards by 3m if there is a substantial difference between building heights or levels.

3.5.11 Given the town centre location, the consideration that the surrounding area is predominantly commercial in character, there are ~~ten~~ ^{four} residential properties that would suffer a loss of amenity from loss of light or over bearing impact. This is also considered to be same for the nearby commercial buildings with the only building likely to be affected being the adjacent multi-storey car park. As the proposal will not alter the function of the car park, the impact is considered to be acceptable in this instance. There are not considered to be any other nearby receptors that would suffer any unacceptable amenity impacts from the introduction of the proposed structure.

3.5.11 The development will increase general noise and activity in the locality, when compared to the existing vacant site. Following the construction period, this is likely be from customers and associated traffic movements including the drop off / pick up of customers, car park users or noise from external social areas within the development area. These impacts are of a more sporadic nature and not a constant source of noise, being limited to specific periods of the day such as evening / weekend use. The external space has been located to the front of the building under the canopy and will limit potential noise to a confined area.

3.5.13 The application has been accompanied by a comprehensive Acoustic Planning Report which is under review by the Council's Public Protection Team. Conclusions will be reported within the Committee Update Report.

3.5.14 The application was accompanied by a comprehensive Phase 1 Desk Top Study and Phase 2 geo-environmental assessment in relation to the ground conditions. Follow review by Public Protection colleagues an addendum report was submitted for consideration. The council's Public Protection Team offered no objection to findings and have requested that an unexpected contamination condition is included as part of any grant of permission.

3.5.15 The proposal is considered to be compliant with the development plan and can be adequately controlled by the recommended hours of operation conditions during the construction period.

3.5.16 Highways

Local Plan Part 2, Policy 10, sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking in accordance with the Council's adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services. The policy also requires submission of a supporting Transport

Assessment (TA) for proposed development that has the potential to significantly affect existing transport systems. Item 4.9

3.5.17 A Transport Statement (TS) and drawings accompanied the submitted application and have been reviewed by the Local Highway Authority. The assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions and trip generation. This allows an assessment to be made as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of the proposed development.

3.5.18 The TS offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development and that whilst there will be some time specific impacts upon the surrounding highway network it would not be to the detriment of road safety or the safe, efficient and convenient movement of all highway users.

3.5.19 The applicant's report concludes that the site is located in a sustainable town centre location which is highly accessible on foot, by cycle and is also accessible by public transport. The number of vehicle trips generated by the proposed cinema can be considered as negligible, having no material traffic impact on the local roads and junctions in the vicinity of the site. The proposed car park access and egress junctions are acceptable in capacity terms.

3.5.20 The Council's Highways Officer has reviewed the accompanying documents and drawings and offers no objection in principle subject to details of the electric vehicle charging points being provided via a suitable planning condition.

3.5.21 Drainage and flood risk

Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding and impact on environmental assets or interests, including habitats, species and trees.

3.5.22 Following review of a supporting Drainage Strategy Report, no objection has been offered by United Utilities; subject to the application of conditions to ensure implementation of an appropriate scheme of surface drainage and the separate drainage of surface and foul water.

3.5.23 Heritage

The proposed development is located within the Northgate Conservation Area which is an area of considerable townscape significance. The Northgate Conservation Area was originally designated in 1994 and is the largest of five Conservation Areas within

Blackburn Town Centre, containing copious examples of nineteenth and early twentieth century civic architecture, such as the Town Hall, King Georges Hall and the College of Technology and Design. The College of Technology and Design is located directly to the north of the development site and is a Grade II listed building completed in 1894 in a Northern Renaissance style.

3.5.24 Although the Former Waves swimming pool has now been demolished, the Northgate Conservation Area Appraisal makes reference to this building as an example of where infill sites have been developed previously in an unsympathetic manner resulting in a detrimental impact upon the setting of the former Technical College. Although the Conservation Area Appraisal document indicates that a juxtaposition of old and new can sometimes be positive within the context of a Conservation Area, it states that, in the case of the former Waves development, this development did little to enhance the setting of the grand historical and architecturally interesting buildings or the character of this part of the Conservation Area. Now the site has been cleared it presents a significant opportunity to enhance the context, and the setting of the surrounding listed buildings.

3.5.25 The submitted details include a comprehensive Heritage Statement, which assesses the significance of the Conservation Area and Listed Building and assesses the impact of the proposed development upon this significance. In addition, visualisations of the building have been provided from a street level perspective, in order to enable an assessment of the visual impact and scale of the proposed development within the Conservation Area. The proposed scale and footprint of the building positively responds to the shape of the site, and the building is to be set back from the listed building, close to the multi-storey car park, thereby providing suitable distance between the proposed building, associated canopy and the listed building.

3.5.26 Due to the prominent position of this space, being a principal walking route into the town centre, it is stated within the Northgate Conservation Area Appraisal that this area has the potential to be an extremely attractive public space. The Public Realm Strategy recommends the improvement of the quality of the public realm and that the use of materials around King George's Hall and the Technical College should reflect the quality of the historic buildings. It is considered that linkages between the public open spaces of King George's Hall, the application site and the Technical College could bring dynamism to this public space which is welcomed. The proposal responds to this potential, providing a landscaping scheme which will have wider public realm benefits.

3.5.27 Historic England were consulted at pre-application stage, and confirmed that the proposal meets their remit for comment due to the scale of development in the conservation area. The following comment was received: *"We welcome the redevelopment of the former Wave's*

site, and believe that a cinema reflects the civic/public character of this area of the town. Its scale and mass is also sensitive to its surroundings. We have no objection to the proposals, considering it to be in line with paragraph 137 of the National Planning Policy Framework, and advise that it is not necessary for us to comment further on the scheme as it develops. Thank you for involving us at the pre-application stage. We consider your proposals have now reached a stage where they address any heritage considerations we may have.”

3.5.28 The development is therefore considered to be in compliance with Policy 39 of the Local Plan Part 2.

3.5.29 Summary

This report assesses the full planning application for the proposed cinema, café units and undercroft car park. In considering the proposal, a wide range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

4 **RECOMMENDATION**

4.1 **Approve subject to conditions which relate to the following matters:**

- Commence within 3 years.
- Materials to be submitted.
- A3 units to be restricted to A3 use (café) only.
- Hours of construction limited to 7am-7pm Mon-Sat.
- Construction Method Statement.
- Hard and soft landscaping scheme.
- Foul and surface water to be drained separately.
- Surface water drainage scheme.
- Unexpected contamination.
- Details of electric vehicle charging points.
- Approved details and drawings

5 **PLANNING HISTORY**

5.1 No relevant planning history exists.

6 **CONSULTATIONS**

6.1 Arboricultural Officer

No objection subject to landscaping scheme being submitted and approved.

6.2 Environment and Leisure

No objection.

- 6.3 Local Authority Drainage
No comments received. Item 4.9
- 6.4 United Utilities
No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of surface drainage and the separate drainage of surface and foul water.
- 6.5 Public Protection

Contamination: No objection subject to condition on unexpected contamination.

Amenity: Holding comment, conclusions will be reported within the Committee Update Report.
- 6.6 Highways
No objection in principle subject to suitable conditions.
- 6.7 Lancashire Constabulary
No objection. A list of recommended security measures were provided, which have been passed to the applicant.
- 6.8 Public Consultation

No objections received.
- 7 **CONTACT OFFICER: Alec Hickey, Senior Planner**
- 8 **DATE PREPARED: 1st March 2018.**

Item 4.9

DEPARTMENT OF GROWTH & DEVELOPMENT

Item 5

ORIGINATING SECTION: Planning (Development Management)

REPORT TO: 15th March 2018 Planning & Highways Committee.

TITLE: Petition regarding; Full Planning Application 10/18/0075 – for 45 dwellings with associated new access, landscaping and parking, on land at School Lane, Guide, Blackburn

Applicant: Wainhomes (North West) Ltd

Ward: Queens Park

Councillor Mustafa Ali Desai	
Councillor Faryad Hussain	
Councillor Salim Mulla	

1.0 **PURPOSE OF REPORT**

1.1 To inform Members of the receipt of a petition objecting to planning application 10/18/0075. Copies of the petition are available in Democratic Services.

2.0 **BACKGROUND AND DETAILS**

2.1 Planning application reference 10/18/0075 was submitted to the Planning Authority on 17th January 2018. The application seeks consent for the development of 45 dwellings with associated access, landscaping, parking and infrastructure. The planning application is still under consideration.

2.2 Public consultation letters were issued on the 18th January 2018 and 9 objections to the proposal were received.

2.4 The petition was received 6th February 2018 and contains 30 signatories. Each objector has offered their individual concerns with the application and these can be summarised as;

- Traffic congestion
- Extra noise
- Depreciation in value of properties
- Enough empty houses in area
- Concerns with site drainage
- Loss of greenery

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition, that the issues raised inform the assessment of the proposal and that the lead petitioners be informed of the decision once made.

4.0 **BACKGROUND PAPERS**

4.1 None

5.0 **CONTACT OFFICER** – Martin Kenny (tel: 585639)

6.0 **DATE PREPARED** – 2nd March 2018