

PLANNING & HIGHWAYS COMMITTEE
THURSDAY, 15th MARCH 2018
UPDATE:

1 10/17/1173 55 Beardwood Brow, Blackburn

ADDITIONAL REPRESENTATIONS RECEIVED SINCE WRITING OF MAIN REPORT:

Representations from Councillors

At the request of the Livesey and Pleasington Ward Councillor, Councillor John Pearson, who is substituting for Cllr Derek Hardman at this evenings meeting, the following table provides a summary as to the origin of all correspondence received and whether letters have been received from 'inside' or 'outside' 800m of the application site. This area has been generated automatically on the Council's electronic mapping system.

	Objection Letters received		Support Letters received	
	Inside	Outside	Inside	Outside
Original submission	125 from 99 households	1	51 from 37 households	0
Amendment (1)	21 from 15 households	0		
Amendment (2)	14 from 8 households	0		
Since completion of Committee Report	7 from 6 households	0		
Total	157		51	

* Information correct at the time of writing – 15/03/2018.

Please note 20 objection letters and 6 support letters have been received which could not be registered since no address was supplied. They are therefore not included within the above figures.

At the request of Councillor Ali who represents the Beardwood and Lammack Ward. Additional clarity has been requested over the requirement of some of the suggested conditions, including whether double yellow lines are to be installed on both sides of Beardwood from where they currently finish up to and questioning how restriction of the southern end of the car park would be enforced.

In respect of the double yellow lines; where they would extend from, and to, is clarified in paragraph 3.5.30 of the report. The recommended conditions in paragraph 4.1.1 have also been updated to clarify this. The recommended condition update is available at the end of this update.

Objection received from Mr Barry Roberts of 27 Beardwood Brow – 6th March 2018:

“I am particularly concerned that the recommendation from the planning office has been decided before the closing date for comments has expired which indicates residents views were not considered important! The letter stated that comments should be forwarded 2 weeks from letter date of 21st February 2018 which would be 7th March.

Clearly the amendments to the application make no material difference to the misery this development will cause to all residents on the Brow. The noise nuisance will not be confined to the site as most vehicles will be parked outside so an acoustic screen around the area will be of no use even on site as the gates will rarely be closed and may in fact create an eyesore.

This application must be assessed on the capacity of 30 as far as I am aware there is no way of controlling the numbers of vehicles accessing this site.

Grateful if you could advise what action would be taken if there proves to be a far greater number than those stated in the planning application?

Finally this is an entirely residential area and must be protected for the sake of all residential areas in the borough.

This application must be rejected out of consideration for the safety and well being of all residents and weighed against the convenience of the few.”

OFFICER RESPONSE:

The issues raised have been addressed in the report. A number of the original issues remain in the subsequent responses received and so have been addressed by officers in their recommendation.

However, the monitoring of the site will be subject to the Planning Enforcement teams and Environmental Protection teams working together. Both teams are aware of the application and have committed to providing the necessary resources to ensure the proposed conditions are adhered to.

**Objection from Jim and Cath Babington, 39, Beardwood Brow – 7th
March 2018:**

“In addition to the above amendment there are some additional documents which appear to have been added after the original application. These additional documents including the amendment, do not adequately address any of the major issues that the conversion of 55, BB to a Prayer Room will cause.

The objection to the prayer room is based upon a common sense and realistic approach to the issues that could be generated by the proposed prayer room. Any non-residential development within this tranquil residential area would have been treated in exactly the same way. The opposition is not against Muslims at all, the same arguments would be used for any place of worship or any other development which had a problematic effect on the area.

Major issues that still have not been addressed by the applicant either in the original documentation or subsequent additions/amendments

We are surprised that this application is still on the table. We find the additional information does not substantially change any of our objections to the proposed facility at 55, BB. The majority of people in the Beardwood area, do not want this facility. The objections to this proposal are logical and reasoned and are explained by people who live close by and understand the current problems re. traffic, parking and noise and how these problems will be seriously exacerbated if the prayer room is allowed to go ahead. The objectors to this proposal are not being vindictive but are objecting to a facility being provided, which is not applicable to the majority living here and will impose upon their quality of life.

Traffic Issues

- There is no guarantee that the figures provided by the applicant relating to numbers attending and car parking usage at the prayer room, will reflect the true future usage of the facility or the noise levels at any one time. If the prayer room was allowed to happen there will not be any monitoring by BwD of the issues generated and therefore there will be no possibility of correcting the problems that arise as a result of the prayer room’s activities.*
- The BwD Highways department are suggesting double yellow lines on B, in order to control parking. This will ensure that the attendees at the Prayer Room will use BB and other side roads for parking thus*

exacerbating a current problem. What about access to the post box on B?

- *There are currently serious issues regarding traffic on both B and BB, the standard of driving on both roads is generally appalling. B and surrounding roads are treated as racetracks with cars regularly breaking the speed limit and with scant regard for people trying to cross the road or exiting their drive.*
- *Traffic accessing B from Preston New Road come around a blind bend which could cause issues with cars exiting the prayer room facility and turning right.*
- *Even though BB is signposted as a **'No Vehicles – Except for Access'** it is used as a 'rat run' during school hours and commuting. The continual jousting and speeding that takes place on BB with traffic coming up and down BB not willing to give way to oncoming traffic on BB is a problem. There are passing places on BB but I can well imagine that these will end up being used as parking for the proposed prayer room thus exacerbating an already serious problem.*
- *The plot shows spaces for 10 cars, with an entrance only from Beardwood Brow. There will be up to 10 sets of cars trying to park in this car park before every prayer session, 5 times per day and possibly more parking will be required throughout the day, to cater for attendance in the ladies section of the building. There is only one vehicle entrance to the prayer room which is 42m from B and is on a single track carriageway with no passing places until the entrance of number 55 BB. Because of the short distance from B there is a serious likelihood that cars could back up on this tight stretch of BB thus causing more congestion and noise. Vehicles turning right or left into BB from B, have a restricted view of traffic already on BB and could add to congestion problems for traffic on B or on BB. In addition, vehicle entrance to the car park has a very tight turning circle for cars and will cause more noise and traffic hold ups due to cars having to negotiate entry to the car park at any time of day or night.*
- *Sadly. there was a recent funeral at 55, BB which many people attended. Some of the attendees randomly parked outside of 55, BB which caused problematic traffic issues on both BB and B. This gave an unfortunate insight into what could happen if the prayer room went ahead.*

Noise Issues

- *The new amendment has reduced the parking spaces from 11 to 10 due to the new pedestrian access.*
- *The AB acoustics document discusses the impact of 5 cars arriving and using the front car park, the new amendment shows only 4 parking spaces at the front car park, the extra car will need to park in the back-car park adjacent to Balmoral. Whilst there are detailed technical figures stated about decibel levels for this activity, there is no acceptance of noise levels due to conversations from attendees. There are no guarantees that only 4 or 5 cars would attend during the late night and early morning sessions, therefore, the validity of the traffic and noise reports has to be called into question. It could be substantially worse during major Muslim festivals.*
- *The noise calculations provided by the applicant should be based on the movement of cars during the whole of the day when 55, BB was previously occupied as a residential property. The relative noise levels generated at all times by the previous occupants of 55, BB will be substantially less than the proposed prayer room due to much less movement, less cars and less people.*
- *If the application is passed there will not be any subsequent monitoring or revoking of the change of use of the building. It is therefore in the interest of the applicant to apply the lower figures for usage of the proposed prayer room. Why would the applicants be prepared to spend approximately £500,000 on a such low numbers?*

Democratic Issues

We understand that as of the beginning of November 2017 there were 131 objection letters against the prayer room and 48 in support of the prayer room. Voting and democracy is important because it provides people an opportunity to voice their opinion and vote for what they believe in, it holds elected officials accountable for their behaviour while in office, and it prevents a minority from dictating the policies of a majority. If the prayer room is allowed to go ahead it is against the wishes of the 131 people who have objected against the prayer room and supports the 48 people who want the prayer room. How would councillors feel in local council elections if the person with the minority vote was elected? Any shift from a normal and proven process makes a complete mockery of the democratic process.

Existing BwD Planning Guidance

BwD have produced a Supplementary Planning Documents titled Community & Other Uses Within Residential Areas. Part of this document addresses 'Places of Worship' and under 'Considerations' bullet point 3 states very clearly that:

- The council document states In the case of large scale facilities, the proximity of the site to traffic routes of an appropriate standard will be a relevant consideration. A site which draws traffic into minor residential streets is unlikely to be acceptable.*

The document also states The Council's view is that the following general principles should be followed when considering development proposals within residential areas:

- 1 freedom from unduly intensive or intrusive activities;*
- 2 minimal disturbance from noise;*
- 3 freedom from other sources of nuisance such as vibration, smell, fumes or dust.*
- 4 freedom from inappropriate levels or types of traffic.*

Bullet points 1, 2, 3, 4 above are very relevant and will occur should the application be passed.

- The council also state that places of worship using conversions or changes of use should be located so that no undue loss of amenity to neighbourhood dwellings results.*

Local Planning Policy Context (Item 3.3 in application document Transport Statement)

Item 3.3.5 of the proposed application states: "The guidance note sets out further details on the development of places of worship within residential areas. The guidance recognizes the need for mosques to be close to the community it serves (page 5) and the need to balance any adverse impact from the proposals and the amenity of the local residents."

Note: *It is page 3 of the BwD document and not page 5 as stated above.*

The guidance does not say that there is a need for Mosques to be close to the community.

It does say however, that

“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 large numbers of people”.

This is a significant difference to what was stated above at point 2

The text within this document highlights some non-conformance to the above statements

The Beardwood Brow area has been previously described by BwD as a PRIMARY RESIDENTIAL AREA. Synonyms of primary are key, foremost, leading, etc. This description and the associate synonyms, does not suggest that this area is a candidate for intensive activities and inappropriate levels of traffic etc. and yet here we are having to oppose a prayer room application that if passed would lead to a breach of the above council statements Bullet Points 1,2,3,4 and the application is not in keeping with a residential area.

Conclusion

Whilst the applicant has submitted further amendments to the application 10/17/1173, there are still some significant concerns which have not been accepted or addressed. It is our opinion that the application should be refused because of the unacceptable impact on the local area, as stated above.

It would be advisable for BwD to develop a coherent longer term plan for the future provision of religious establishments. Interested parties including representation from the general public and religious leaders could work together to develop this. Thus, everyone would be aware of and could facilitate a more acceptable coherent plan for the future.”

OFFICER RESPONSE:

The matters raised which are material to the planning decision have been addressed throughout the Committee Report.

Objection received from Mrs Nicola Ward of Wesley, 47 Beardwood Brow – received 14th March 2018:

“I am aware that this change of use application for 55 Beardwood Brow is on the agenda for the Planning Committee tomorrow evening. I have read all of

the associated published documentation and am aghast that it is recommended for “temporary” approval, albeit with conditions.

You already have my objection letter on file. I do not feel that much of it has been addressed in your report. You quote Core Strategy, Local Plan Part 2 and the NPPF where it suits the application and ignore the parts where it doesn't, detailed in my previous letter.

This is not a community hub of co-located services. It is setting an unpalatable precedent of change of use in an exclusively residential area with no other facilities whatsoever.

As a planner, you do not have to take on board any emotive arguments, of that I am well aware. However, I am going to tell you anyway. Until December 2016 I lived on Edmonton Drive in the heart of the Lammack estate. The estate was changing for the worse. The house next door to us was bought but nobody moved in. There were people coming to stay for a week or two, then it would be empty, then a different set of people would come – it seemed to be some sort of community house. Then the same thing happened with the house over the back fence from us and this one was worse – nobody lived there but there seemed to be periodically large numbers of people in the back garden having some sort of events. It was all very unsettling not knowing who these people were that were coming and going and causing noise nuisance until late at night. As larger families moved on to the estate generally, the journey round the estate became a bit of a nightmare. This is due to a combination of increased car numbers, bad driving, ignorant driving, inappropriate parking and a failure to observe any rules of the road. So we made the decision to move, which we did in December 2016. We chose Beardwood Brow as a non-estate location and as an “access only” road thinking that we could live quietly here. How wrong can one be. The Brow is a rat run. We raised the issue with Michael Lee, Highways and the police and nobody will take any responsibility for it, citing lack of resources as the reason. My husband worked for the Local Authority for over 30 years until his retirement a few years ago. I still do work for Blackburn with Darwen Borough Council, now in my 28th year of service. Our house on Beardwood Brow is the pinnacle of what we have achieved in our lifetime. In the first 6 months there we have ploughed all of our savings into renovating the house. Now this!! We just want to run away and leave Blackburn behind. I tell you all this knowing it can't be considered, partly to get it off my chest but mainly to make you understand the despair I feel and the strength of my opposition to having a community facility four doors down.

What I do seek from you however are proper answers to the following:

- 1. Who is going to monitor attendance at this facility?*

2. *Who is going to ensure the agreed hours are adhered to?*
3. *Who is going to make sure only one end of the car park is used later on at night?*
4. *Who is going to ensure that cars are parked appropriately and safely?*
5. *What is the name of the person I report any breaches to?*
6. *Is there a report from the Fire Service on permitted numbers for this facility and where can I access this?*

The letters of support do nothing to support the credibility of the application. In fact they bear out the fact that in reality I suspect higher numbers will attend the facility than is claimed.

M S Alam

“as you know there is considerably higher number of muslim community in the surrounding area and it is one of their necessary needs”

“it will be much easier for me and similary many of my brothers and their families to come for prayers”

Dr Muhammad Zeeshan

“a daily necessity of Muslim Community living in this area”

“it will be very easy for me and my family to walk for prayers, as well as the rest of the Beardwood Muslim community”

Mohsin Patel

“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

“the wider benefits that this amenity will bring to all the Beardwood community”

“this facility in the longer term can be used to provide community and social cohesion to the benefit of all residents”

Mr & Mrs Patel

“I hope the council will look at the many benefits that this amenity will bring”

Dr Muhammad Zeeshan Tenant

“it will be very easy for me and my family to walk for prayers, as well as the rest of the Beardwood Muslim community”

These are just 6 of the 50 odd support letters. They all suggest that attendance at the facility will be much greater than is claimed by the applicant. This leads me to a seventh question:

Who are the 30 people welcome to attend the facility? Have they been specifically invited by the applicant? Does he have a register of their names? Will somebody be on the door of the facility at each prayer session with a register (if your name’s not down, you’re not coming in)? Or is it the case that

all Muslims wishing to attend be welcomed in? Will people be turned away once 30 people have entered the building? How will the applicant discriminate?

I do not expect you to respond to the “emotive” section of my letter. I do however seek specific replies to my specific questions and if you are not the person to respond, please inform me from whom I need to seek the answers.”

Officer Response:

The residents' concerns are fully understood, however with no evidence to back up their assertions Officers are unable to justify a refusal of the application. The temporary two year permission recommended would enable the LPA and Highway Authority to monitor the effect of the proposal on the locality so that if necessary evidence can be obtained on the true impact of the proposals on both the amenity of local residents and the effect of cars parking on the highway.

Members should note, that a two-year temporary permission is recommended as it is considered that 12 months would not be a long enough period to accurately assess the effect as the proposed prayer use would be within its infancy within the first 12 months.

Officers from Planning Enforcement will be responsible for monitoring that the conditions proposed restricting hours of use and maximum number of attendees is adhered to. This monitoring would be when breaches are alleged.

Planning Enforcement can be contacted in the following ways:

Mail: Planning Service, Old Town Hall, Blackburn, BB1 7DY
Phone: 01254 585236
E-mail: planning.enforcement@blackburn.gov.uk
Website: <https://www.blackburn.gov.uk/Pages/Planning-complaints-and-enforcement.aspx>

The issue of Parking on the Highway is a Police enforcement matter. The issue relating to fire safety will be addressed through any subsequent Building Regulations application.

Objection from Faisal Patel of Kylemore, Beardwood Brow – 6th March 2018

"I, as a resident of Kylemore Beardwood Brow, vehemently 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.

I note that there had been few revisions in the planning application however I still have concerns including:

1) new vehicular pathway as a one-way system will still be ineffective due to the nature of Beardwood Brow blind spot area at the junction of Beardwood route, the problem is still existing but could be exacerbated and worsened i.e. vehicles turning right into Beardwood Brow having lack of or vision to pedestrians or vehicles exiting Beardwood Brow

2) the report did mention most worshippers will walk by foot however having seen other cases especially at nearby Shah Jalal Mosque by the Revidge Road and Darul e Madina on Granville Road there had been significant traffic issues due to majority of worshippers now driving their vehicles instead by foot thus the area often requiring traffic marshall controlling the area

3) potential congestion of vehicles due to the existing road having the inability accommodate vehicles in opposite directions at the same time while also potentially endangering the safety of pedestrians

- 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) non-existent of pedestrian pathways however despite this there are often pedestrians on Beardwood Brow

6) Blind spots at the junction connecting Beardwood Fold, Beardwood Brow and Beardwood route, in particular the junction connecting Beardwood route and Beardwood Brow

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

- Lammack Prayer Room, Whinney Lane (above Pharmacy store)

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

- Masjid-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.”

Officer Response:

These comments have been addressed within the report.

Objection from J Patel, Kylemore, Beardwood Brow – 6th March 2018:

“I note that there had been few revisions in the planning application however I still have concerns including:

My concerns are:

1) new vehicular pathway as a one-way system will still be ineffective due to the nature of Beardwood Brow blind spot area at the junction of Beardwood route, the problem is still existing but could be exacerbated and worsened i.e. vehicles turning right into Beardwood Brow having lack of or vision to pedestrians or vehicles exiting Beardwood Brow

2) the report did mention most worshippers will walk by foot however having seen other cases especially at nearby Shah Jalal Mosque by the Revidge Road and Darul e Madina on Granville Road there had been significant traffic issues due to majority of worshippers now driving their vehicles instead by foot thus the area often requiring traffic marshall controlling the area

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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."

Officer Response:

These comments have been addressed within the report.

Objection from Paul Duffy of 46 Beardwood Brow – 6th March 2018:

"Repeated submissions are tactical, designed to wear down both the objectors and the planning committee. However, the anger amongst the residents of the Brow these repeated attempts are causing is upsetting. Everyone gets on well here, but these individuals' relentless applications are disrupting our community wellbeing.

Our objections are based on traffic issues; community safety and relationships; possible changes to the Brow and Beardwood in order to accommodate this application.

The recent amendments do nothing to change our mind about this application. We just get angrier with every resubmission as we have to use valuable family time to object. This is a private, residential road with an existing traffic problem that I have brought to the attention of the High Safety Officer in past.

Glynn Olive, M.aSoRSA, Highway Safety Co-ordinator, Capita.

Quote - case EXOR 90375, 4/6/2016

“Speeds have been measured there and the following results recorded since the resurfacing. This was for seven days, 24 hours a day.

- Average of 424 vehicles per day*
- Average Speed of 19 mph*
- 85th Percentile Speed of 22 mph*
- 1% of vehicles (34 in total) travelling at a speed of 31-34 mph*
- 0.18% of vehicles (6 in total) travelling at a speed of 35 mph and above”.*

That’s 424 vehicles a day on the road that is Access Only!

40 of which were speeding!

85% travelling at over 20mph on a narrow single lane road.

A single lane road with no footpath!

And these applicants want to increase these levels!

This application is disruptive, and divisive and unwanted by the majority of residents. No doubt each amendment reduces the number of people who object but the issues are still here. We do not want this prayer centre on the Brow as it’s an unsuitable site for such a facility. I would ask the committee to please consider the well-being of the residents.”

Officer Response:

424 vehicles a day - Over a typical 12 hour period, noting that these vehicles will be spaced out over 24 hours and not 12:

$$424/12 \text{ hours} = 35 \text{ vehicles per hour}$$

35/60 minutes = 0.6 vehicles per minute, which for an access only route is highly plausible and not unusual. Again speeds are within tolerance levels and are not unusual for other roads within Blackburn.

The Access Only on to Beardwood Brow is enforced by the Police. If residents feel it is not being enforced then the resident must raise this with the Police.

Objection received from Occupier of 22 Beardwood Meadow – 6th March 2018:

“The changes to the above plan relate to an acoustic barrier which will be placed around the “front car park” to screen neighbours from noise when the facility is used.

The acoustic screen will overshadow neighbouring houses.

The barrier will not work as it will not shield the neighbours from the sounds of cars actually arriving and leaving the site at any time.

Also any increase in this area will threaten public safety by increasing congestion, particularly at key commuter times. The Council know this to be the case from previous surveys, but also because it regularly occurred when the garden centre was open. Such traffic would be increased if any facility was allowed to develop which would attract the public.”

OFFICER RESPONSE:

The LPA in consultation with Environmental Protection are satisfied that the erection of Acoustic Barriers to the northern and southern boundaries of the site would adequately protect the amenity of the surrounding occupiers.

The height of the acoustic fences would be no higher than existing boundary hedging, therefore, no overshadowing impact would occur.

However, in terms of the impact of cars entering and leaving the site, Officers 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.

In terms of the concerns relating to congestion at peak times; the Prayer Centre use would spread throughout the day so should not have any peak times to cause significant congestion or road safety issues.

Paragraph 2.19 of the report advises; that 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.

Email from Farooq Rafiq, Planning Agent acting on behalf of Applicants concerning proposed conditions

I am just in the process of preparing for Committee and have been reviewing the very comprehensive report.

One area that is a cause for concern is the suggested condition (see para 3.5.19 and 4.1.1) relating to controlling the use of the southern car park between 10pm and 7am.

As a condition is being suggested to control the hours of operation of the prayer centre - not outside 7am-10pm, there is no need for the southern car parking condition, as the facility will not be used at nighttime.

Can you let me have your views on this and if an amendment will be tabled tomorrow for its omission?

Officer Response:

Paragraph 3.5.15 of the report advises;

“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.”

Provided Members support Officers recommended conditions relating to hours of use being between 7am and 10pm, there would be no need to restrict the southern use of the car park after 10pm. This condition could therefore be omitted.

OTHER MATTERS

The Highway Authority has clarified that they require conditions for both a Construction Management Scheme and a Traffic Management Plan.

The Traffic Management Plan would include the following;

- Relocation of street lighting column
- Relocation of bus stop
- Application of TRO (double yellow lines)
- Introduction of exit point (properly constructed vehicle/dropped crossing) out onto Beardwood
- Enhancements of pedestrian crossing points
- Scheme relating to the Management/marshalling of vehicles visiting the site

Amendment to Report:

Paragraph 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 on the number of attendees to no more than 30
- Temporary Consent to assess the impact of the proposed use on the amenity of residents on Beardwood and Beardwood Brow.

Amendment to Recommendation:

- Omit the suggested condition Restriction of the use of the southern part of the car park during the night time period.
- Replace the condition requirement to enter in to a S278 agreement with a requirement for a Traffic Management Plan.

The amendments to the recommendation are illustrated in *italics* below:

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 *to be implemented* in accordance with the approved plan *prior to commencement of use***
- **Details of covered cycle and PTW spaces to be submitted for approval.**
- **Details of revised pedestrian visibility splay to be submitted for approval *and implemented before the prayer centre use operated.***
- **REPLACE CONDITION: “Requirement to enter in to a S278 agreement with the Highways Authority to secure the relocation of the bus stop, *lighting column and double yellow lines up to the western edge of Beardwood Brow on both sides of Beardwood*”, with:**
 - Requirement for a Traffic Management Plan to be provided and adhered to. The Traffic Management Plan would include and secure the;***
 - Relocation of the street lighting column***
 - Relocation of the bus stop***
 - Application of Traffic Regulation Order (TRO) (for the length as prescribed in the report at paragraph 3.5.30 on both sides of Beardwood)***
 - Introduction of the exit point out onto Beardwood including its proper construction***
 - Enhancements of pedestrian crossing points***
- **Require a Construction Management Plan to secure appropriate timings for the construction the proposed new access.**
- **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 *and installation of these prior to commencement of the prayer centre use.*
- Replacement planting in accordance with the details within the Arboricultural Report.

2. **10/17/1278 Cherry Tree Cricket Club, Preston Old Road, Blackburn**

Additional Correspondence:

The Council has received a letter detailing a disturbance at the venue on the 10th March 2018. The correspondence was addressed to a ward councillor and the licensing department and as such is not reported here as a further objection to the planning application. Members are advised that the objections set out within section 9.0 of the report already extend to concerns with anti-social behaviour and late night activity and that those issues are addressed within section 3.5 of the report.

Additional Conditions:

The following conditions are suggested in addition to those set out within section 4.1 of the report;

- The development shall be in accordance with the mitigation measures set out in section 8.4 of the Miller Goodall noise assessment received 17th November 2017
- The use of the premises shall be in accordance with the management controls set out in section 9.1 of the Miller Goodall noise assessment received 17th November 2017

3. **10/17/1037 Former Hollins Paper Mill, Hollins Grove Street, Darwen**

As referenced in paragraph 6.2 of the main report, additional information was still required relating to the submitted noise and odour assessments. Members are advised that this information has not been submitted.

Members should be aware that the Ministry of Housing, Communities & Local Government's consultation on the revised National Planning Policy Framework (NPPF) published on the 5th March 2018, does not really change the requirements of the existing Paragraph 14 in relation to the absence of a five year housing supply, where the adverse impacts generated by the proposed development would significantly and demonstrably outweigh the benefits (paragraph 11 in the revised NPPF). Similarly, the specific reasons set out in paragraph 123 of the NPPF in relation to introducing sensitive land uses being introduced prejudicing existing uses future operations remain in paragraph 122 of the revised NPPF.

Members are also advised that the Integrated Growth Team received an enquiry via The Hive and Growth Lancashire at the beginning of March, for an existing Construction Products Manufacturer looking to possibly relocate into the borough and requesting whether there are suitable sites available which are close to existing aggregate industries.

4. **10/17/1428 – Park Lodge, West Pennine Remembrance Park, Entwistle Hall Lane, Turton**

The following representation, received on the 8th March 2018 is noted. The issues raised have been addressed in the Committee Report.

I am writing to state my objection to the above planning application. We purchased a burial plot and an ash plot at the park in 2007. We chose the park because the area meant a lot to us and because it was so peaceful, tranquil and most importantly quiet. To our dismay we now learn that there are dog kennels on site with more planned. How could this happen!!! We are deeply upset.

As we do not live in Blackburn and it would be difficult to attend the planning meeting, we are hoping someone will take notice of our objection and common sense will ensue.

Thanking you in anticipation.

L Banner

5. **10/17/1419 Chapel View, Station Road, Turton**

Clarification:

Members should note the following amendment to the planning history set out in section 5.4 of the report;

10/10/1140 – Outline application for erection of 1 no. two/three storey residential unit (Approved)

10/14/1140 – Full application for erection of one detached dwelling and garage (Refused)

Response to Public Objection:

The applicant has also sought to address the objections set out within section 9.0 of the report.

“The officer has referred to the planning issues in his report however there are three things that need further clarification.

- *Number 7 Chapel View is a large house on a greenbelt site and had the Council not consented to it then he would be able to live in such a lovely location. Why therefore should he be allowed to prevent anyone else from doing that.*

- *The original consent for Chapel View had a hammer-head at the end of it, which was constructed on plot 7. The objector has not constructed it in his land and ‘Highways’ could insist that he take up a section of the drive and re-lay it as Highway construction. As part of this application ‘Highways’ have insisted that a hammer-head is constructed and following consultation with the case officer the applicant has agreed to construct it on his land.*

- *When the objector purchased the new house at Plot7 he would have been aware of the outline approval nr 10/10/1140 as it would have come up on his Solicitors local search as would the approval for his own property. He would therefore have been fully aware at the time when he purchased the house that there was an outline approval for a house next door”.*

Additional Condition:

The following condition is suggested in addition to those set out in section 4.1 of the report;

- Scheme detailing the provision of a vehicle turning head to be submitted and agreed

8. **10/18/0169 Land at Brown Street/Penny Street, Blackburn**

The following highways comments have been received.

Parking/Transport Statement

The documentation received accompanying the submission offers justification for the application and the need for the additional parking requirement-, the rationale being the potential loss of car parking in the immediate vicinity i.e. Thwaites, Penny Street, and Salford which require replacement.

With regards to the layout and arrangement of the parking area, the parking spaces should adhere to the council's sizes and manoeuvrability into and out of the spaces.

Access

One Vehicular access point into the site is to be obtained from the existing Brown Street car park; this will also be the exit point.

In principle, we offer no objections to the application.

Comments received from the Environment Agency on the 13th March:

We have no objection in principle to the proposed development as submitted, but would like to make the following comments:

Advice to LPA / Applicant

The watercourse, the River Blakewater, that runs in culvert across the middle of site in approximately north-south orientation, is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact the Environment Agency to discuss our requirements if a permit or advice is required.

The Environment Agency has a right of entry to the River Blakewater by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

It should be noted that the grant of planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

In response to the Agency's comments, Members are advised Under "Excluded flood risk activities" on the link received from the EA, item 6 Minor Works for Highways and Public Rights of Way on or near bridges and culverts, states "You don't need a permit as long as your work won't affect the riverbed, banks, water level or flow in the river (including flood flow). This includes work such as road resurfacing or traffic control signs. You must not work from the river itself or from the bank and any equipment you use must be stored away from the river."

The proposed works fall into this category and therefore do not require a permit.

The Council's Main Drainage Engineers have raised no objection to the proposal, subject to the following condition being imposed.

"Prior to commencement of the development a drainage scheme shall be submitted and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details, prior to occupation of the development. If the surface water drainage proposals discharge to the river then suitable oil interceptors must be included and discharged to consent will be required.

REASON: To ensure a safe form of development that poses no unacceptable risk of flooding and water pollution in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2."

Comments received from United Utilities on the 15th March:

Following our review of Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities.

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. CS063915/01/FRA, Dated 28 March 2013) which was prepared by Capita Symonds. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Other comments received relating to water and drainage issues can be included as 'informatives' in the subsequent decision notice.

9 **10/18/0077 Former Waves Water Fun Centre, Nab Lane, Blackburn**

Public Protection response to Acoustic assessment addendum, dated 7th March 2018:

The acoustic report 'Blackburn Cinema – RIBA Stage 3 Report (Acoustics)' dated Feb. 2018 provides helpful information regarding the likelihood of an adverse amenity impact at residential premises arising from future operational noise. The following comments are made in respect of entertainment, plant & machinery and car park noise:

- Entertainment Noise – this arises from the 8 cinema screens (amplified sound) within the building. It is estimated, in the Capita memo dated 7th March, 2018, that the simultaneous use of 4 screens will generate 20dB(A) of noise – it is reasonable to assume that the use of all 8 screens at the same time will generate 23dB(A). This level is within the agreed standard of 27dB(A)Leq at residential premises.
- Plant and Machinery Noise – an assessment of potential impact was included in the aforementioned report. The assessment indicates that residents of Feilden Street and Cardwell Place should not suffer an adverse impact with noise levels in the range 36 to 39 dB(A)Leq. The predictive calculations rely upon plant & equipment noise not including any tonal or distinctive component that would cause an adverse impact as prescribed in British Standard (BS)4142:2014. It is, therefore,

essential that the installed air handling units and any other noisy equipment does not require a noise character correction should a BS test be necessary when the facility is fully operational ie if a complaint is made by a local resident.

- Car Park Noise – Some consideration has been given to car noise arising from customers entering/existing the underground car park at Feilden Street.

Conditions on the following matters have also been requested:

- Submission of scheme for control of cooking odours and fan noise.
- Condition of remediation scheme to be agreed if unforeseen contamination found on site.
- Submission of an Air Quality Assessment to identify and mitigate against adverse impact on air quality.
- Submission of an outdoor floodlighting scheme to be submitted and agreed.
- Condition restricting hours of site operation.
- Submission of a scheme for the control of dust to be submitted and approved prior to commencement.
- Submission of a programme for the monitoring of noise & vibration generated during demolition & construction works to be submitted and agreed prior to commencement.

The request has been considered by officers, and members are advised accordingly of the following recommendation.

- **Submission of scheme for control of cooking odours and fan noise**
- **Condition of remediation scheme to be agreed if unforeseen contamination found on site.**

These are accepted and will be imposed in addition to the conditions set out in paragraph 4.1 of the main report.

- **Submission of an Air Quality Assessment to identify and mitigate against adverse impact on air quality.**

The scheme incorporates air quality mitigation through the provision electric vehicular charging points. As such, there is no requirement for the submission of an air quality assessment.

- **Submission of an outdoor floodlighting scheme to be submitted and agreed.**

Flood lighting is to be incorporated in the wider Jubilee Square Public Realm works and does not form part of this application. As such, there is no requirement for this condition.

- **Condition restricting hours of site operation.**

The site is located within the town centre, and as such it is not considered appropriate to impose such a condition.

- **Submission of a scheme for the control of dust to be submitted and approved prior to commencement.**
- **Submission of a programme for the monitoring of noise & vibration generated during demolition & construction works to be submitted and agreed prior to commencement.**

These requirements will be contained within the recommended construction management condition as set in paragraph 4.1 of the main report.

Amended Plans

Following the publication of the original report, the applicant has submitted amended elevational plans which show a reduction in the profile of the canopy to the front of the building. The proposed alterations are not considered to fundamentally alter the character of the development but lessen the visual impact and square edges of the protruding canopy. As such, the scheme is still considered to be in accordance with Policy 11 of the Local Plan in presenting a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. A comparative of the design alterations is provided below for reference.

Superseded Design



Revised Design





Gavin Prescott
 Development Manager
 15th March 2018