

Public Document Pack

Planning and Highways Committee

Thursday, 18th March, 2021

6.30 pm

Virtual Meeting

[Join Meeting Here](#)

AGENDA

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Date Published: Wednesday, 10 March 2021
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 18 February 2021

PRESENT – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Browne, Harling and Marrow.

OFFICERS - Gavin Prescott (Development Manager), Michael Green, Safina Alam and Shannon Gardiner

RESOLUTIONS

46 Welcome and Apologies

The Chair welcomed everyone to the virtual meeting.

There were no apologies received.

47 Minutes of the Previous Meeting

That the minutes of the previous meeting held on 21st January 2021 be confirmed and signed as a correct record.

It was noted that item 43.1, on the minutes, had been brought back to February’s Committee for consideration as a no decision notice had been released.

48 Declaration of Interest

RESOLVED - There were no Declarations of Interest received.

49 Planning Applications for Determination

The Committee considered reports of the Director of Growth and Development detailing the planning application.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the Officers answering points raised during discussion thereon.

49.1 Planning Application 10/20/0716

Speakers – Stephen Atherton (Objector)
 Graham Trehwella (Applicant)

Applicant – Graham Trehwella (Cass Associates)

Location and Proposed Development – Land to the South of Whalley Old Road, Blackburn.

Outline planning application (Regulation 4) with all matters reserved for residential development of up to 165 dwellings.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report.

49.2 Planning Application 10/20/0798

Speakers – Mark McBriar

Applicant – Mark McBriar

Location and Proposed Development – Land to the rear of former Meadowcroft Farm, 114 High Street, Chapeltown, Bolton, BL7 0EX.

Full Planning Application for Erection of 4 dwellings with associated access road, landscaping and parking.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and the additional and modified conditions in the Update Report.

49.3 Planning Application 10/20/1007

Applicant – Junction 4 Skatepark CIC

Location and Proposed Development – Car park area and vacant land, Junction 4 Skatepark, Blackburn Road, Darwen, BB3 0AJ.

Full Planning Application (Regulation 4) for Proposed new Street Skatepark comprising: Dirt jump and pump track area; covered BMX contest area bounded by shipping containers to be used as storage for the contest ramps, repair and maintenance area, viewing area, and scope to be used as accommodation (camp facility).

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report.

50 Supplemental Report to Planning Application 10/20/0996 - Hob Lane Farm Barns, Blackburn Road, Turton

At the January Committee meeting, Members supported the resolution to approve full planning application for change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works. Planning permission was granted in relation to the proposed development subject to the conditions listed in paragraph 4.1 of the main report.

With regards to Condition No.11, it had been recognised by the Council’s Ecological advisor, they provided the incorrect wording in relation to further bat

surveys and when the conversion works commence. Paragraphs 3.5.54 of the main report make reference to ***“If conversion works have not commenced by February 2021 Members are recommended to condition the submission of an updated survey...”*** and Condition No.11 in paragraph 4.1 supported this by referring to March 2021. The Council’s advisor has stated this should have been February 2022, as the submitted report (Bat activity Survey section 2.9) indicates that the survey results will be valid for 2 years in this case.

The February 2022 timescale is applied so that if work has not started by the beginning of the Y2 survey season, the updated work can be commissioned in a timely manner.

RESOLVED – That the change in the date of Condition No.11 of Planning Application 10/20/0996 be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

Material Consideration

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

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

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

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

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

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
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



BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

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: 18/03/2021

Application No	Applicant	Site Address	Ward
10/20/0814	Mr Ishtiaq Hussain 181 Whalley Old Road Blackburn BB1 5PQ	181 Whalley Old Road Blackburn BB1 5PQ	Little Harwood & Whitebirk
Full Planning Application for Change of use from former public house (A4) to a Mosque/Madressa (D1) and demolition of existing outbuilding			
RECOMMENDATION: Permits			
10/20/0932	Countryside Properties Mr Neil Lewis 301 Bridgewater place Birchwood Park Birchwood Warrington WA3 6XG	Land to the South of Holmbrook Close Blackburn	Blackburn South & Lower Darwen
Full Planning Application (Regulation 4) for Formation of engineered bunds.			
RECOMMENDATION: Permits			
10/20/1048	Monte Group on Behalf of Issa Foundation Monte Group on Behalf of Issa Foundation Mr Tom Jeremiah Waterside Haslingden Road Blackburn BB1 2FA	Former Westholme Nursery School Preston New Road Blackburn BB2 6PS	Billinge & Beardwood
Full Planning Application for Demolition of school buildings and erection of new place of worship and community centre			
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
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10/21/0127

Blackburn with Darwen Borough Council
 One Cathedral Square
 Blackburn
 BB1 1FB

Town Hall
 King William Street
 Blackburn
 BB1 7DY

Blackburn Central

Listed Building Application (Regulation 3) for Internal alterations, refurbishment and restoration of existing office spaces to the first and second floors

RECOMMENDATION: Consent

REPORT OF THE DIRECTOR

Plan No: 10/20/0814

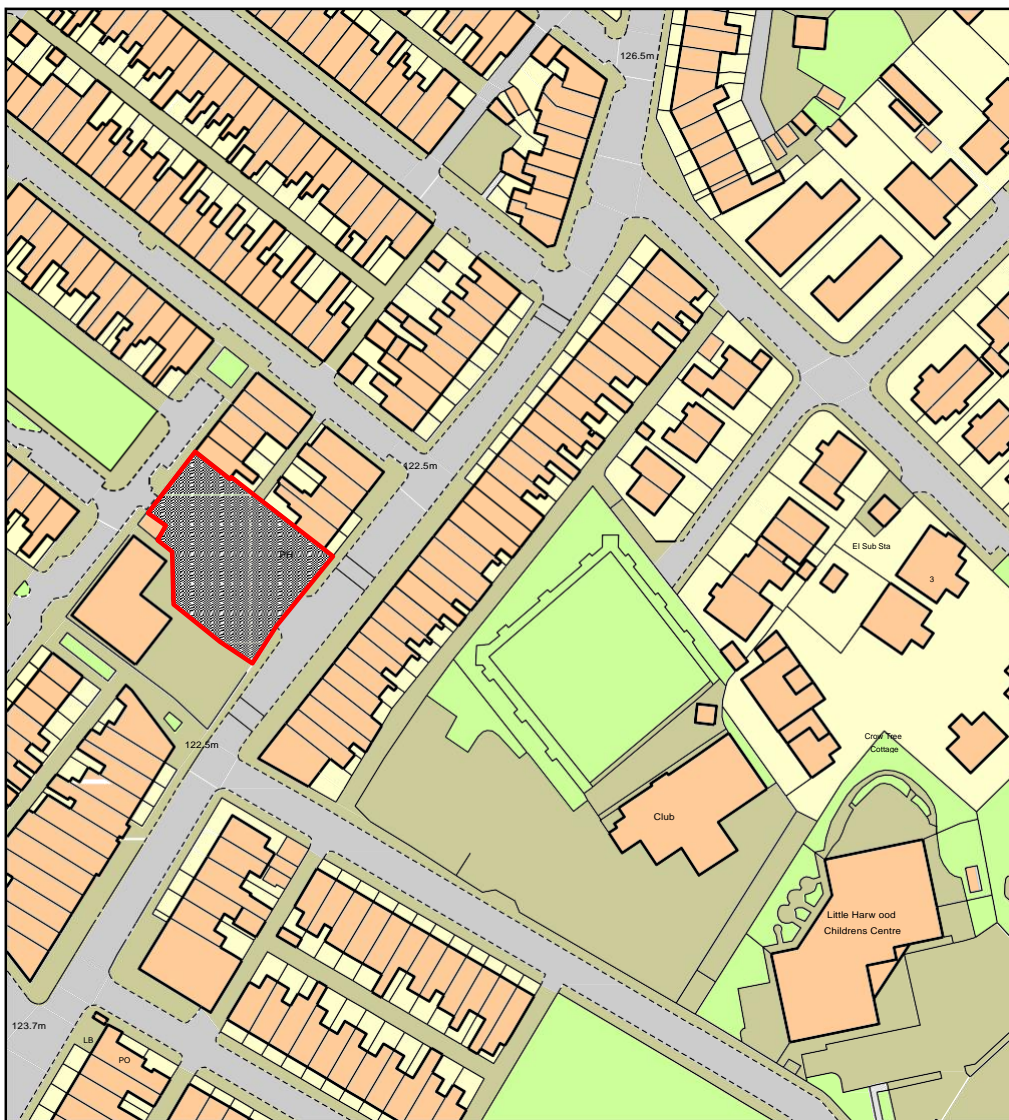
Proposed development: Full Planning Application for Change of use from former public house (A4) to a Mosque/Madressa (D1) and demolition of existing outbuilding

**Site address:
181 Whalley Old Road
Blackburn
BB1 5PQ**

Applicant: Mr Ishtiaq Hussain

Ward: Little Harwood & Whitebirk

**Councillors: Mustafa Desai
Abdul Patel
Patricia McFall**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee due to seven objections being received from nearby residents, in accordance with the Chair Referral process.
- 2.2 The proposal, in redeveloping this redundant vacant building for the purpose of a Mosque and Madressa within Little Harwood District Centre, represents a viable and sustainable form of development within a key building within the District Centre on a key arterial route into Blackburn.
- 2.3 A short row of terraced residential uses attach to the former Public House and terraced dwellings exist to the rear of the building on Wareham Street along with a number of other terraced streets. 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. It is considered that planning conditions restricting the use of the vehicular entrance from Wareham Street during night time hours will adequately safeguard the amenity of the nearest neighbours.
- 2.4 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.
- 2.5 With the proposed highway requirements, laying out of the car park prior to the proposed use operating, restrictions in external calls for prayer, it is considered by Officers that the proposal would not cause significant detriment to the local community. The required parking standards have been met and the Highway Authority is satisfied that
- 2.6 The nearest properties adjoining the building and to the rear on Wareham Street would, subject to the imposition of the recommended conditions, not be significantly harmed by the proposals.
- 2.7 It is considered that the effect overall on local residents could be minimised subject to the imposition of appropriate control measures through application of the conditions outlined in paragraph 4.1 of this report, including closure of the rear portion of the car park during night time hours. Subject to these 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.

- 2.8 Taking account of the need to close the vehicular site entrance from Wareham Street during night time hours, subject to the latest site layout plan received being implemented and the planning conditions recommended in paragraph 4.1 of this report, the Highway Authority is satisfied that the proposals will not cause demonstrable harm to highway safety in the locality.
- 2.9 Subject to the recommended conditions, it is thus recommended that planning permission be granted.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is within the Little Harwood District Centre and relates to a former vacant Public House located opposite the parade of shops on Whalley Old Road between Little Harwood Community Centre and a short row of terraced houses, nos. 183-189 (odd) Whalley Old Road. Wareham Street exists to the rear.
- 3.1.2 The former Public House has a car park to the side of the building which shares a boundary with the Community Centre. This car park is accessed from Whalley Old Road, a classified highway. A former vehicular access exists on to Wareham Street which is currently restricted by a bollard. The area to the side of the building provides a pedestrian through route between the District Centre and the residential streets to the rear of the site.





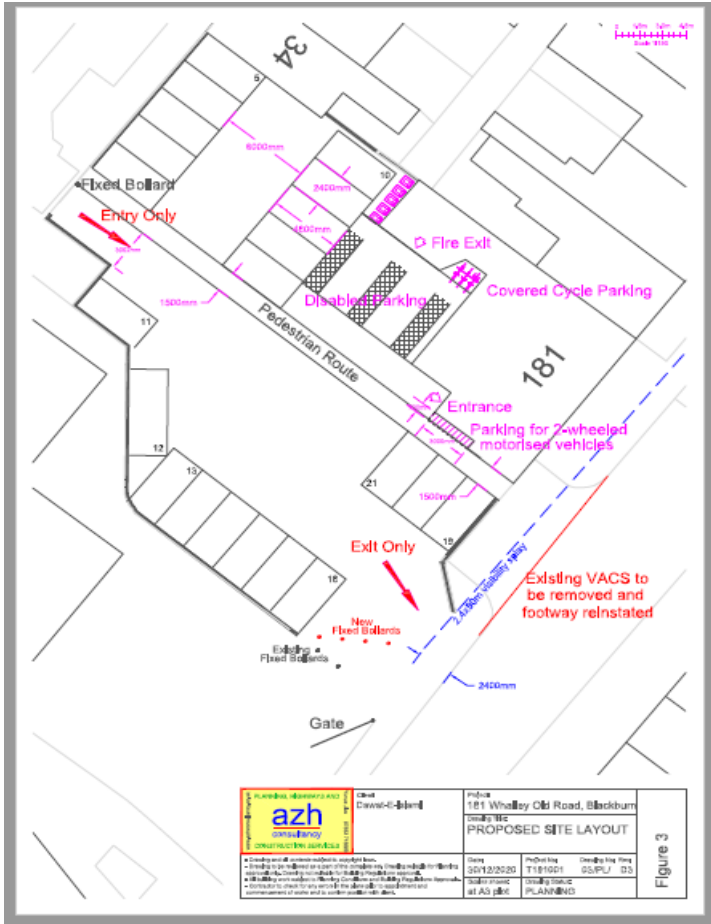
Case officer site photographs.

3.1.3 The former Public House has a two storey dilapidated red brick barn within its rear yard area.

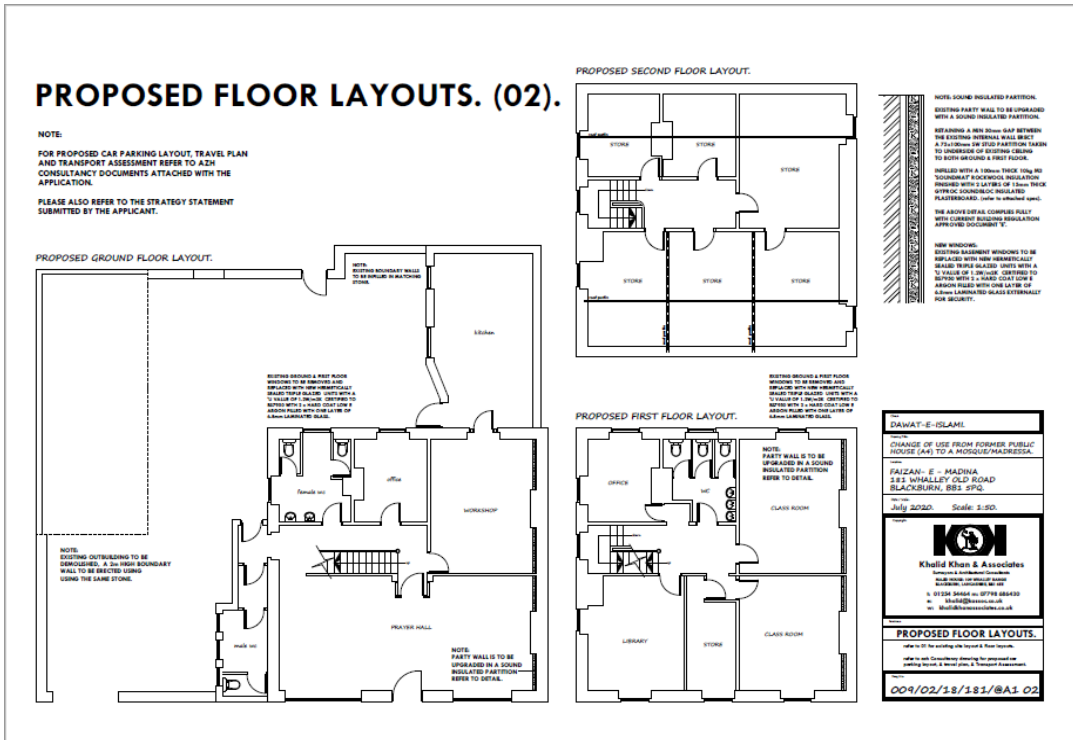
3.2 Proposed Development

3.2.1 Permission is sought to change the use of the vacant Public House to a Mosque and Madressa over the two floors of the building and to demolish the two storey brick barn within the rear yard area. The building comprises 3 storeys, the main uses being on the ground and first floor, and the second floor being used for storage. The primary purpose of the mosque/madressa will be the 5 daily prayers and evening educational classes. It is proposed there will be four classes in total, split over two sessions. Two classes will take place at the first session, 4:30pm to 6:00pm and two classes will take place at the second session, 6:15pm to 7:45pm. In each class there will be a maximum of 12 children.

3.2.2 The proposals provide for a 21 space car park to the side with the Wareham Street being used to access the building, with egress to be on to Whalley Old Road.



Extract from submitted site plan received 4th January 2021:



Extract from proposed floor plan layout drawing received – 3rd September 2020:

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

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 27 - District Centres – a Framework for Their Development

3.3.5 Supplementary Planning Documents and Guidance

- Community and other Uses with Residential Areas SPG

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF).

3.5 Assessment

3.5.1 The key issues to be addressed are as follows:

- Principle of development;
- Effect on Heritage Assets
- Effect of the development upon neighbouring residential properties; and,
- Parking provision and impact of the development on the surrounding highway network.

Principle of Development

3.5.2 The application site is a former Public House located within Little Harwood District Centre which appears to have been vacant for at least a decade.

3.5.2 The District Centres identified in the Core Strategy principally provide for local needs shopping. The Core Strategy further promotes a concept of multi-functional district centres which are also the focus for local services as well as retailing. These uses are diverse and include places of worship, community centres and halls, health facilities such as doctor's and dental surgeries and other service uses ranging from hairdressers and beauty salons to funeral parlours.

3.5.3 The proposal, in re-using this vacant building and surrounding land for the purpose of a Mosque and Madressa within Little Harwood District Centre, represents a viable and sustainable form of development within a District Centre on a key arterial route into Blackburn and is a suitable use within the building.

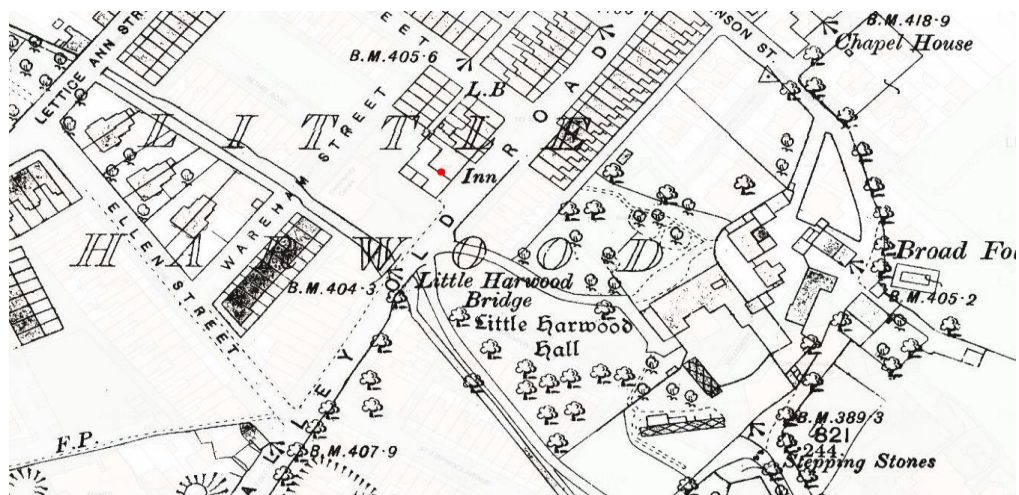
3.5.4 Policy 27 of the Local Plan Part 2 requires that;

“Proposals involving conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.”

3.5.5 The external appearance of the building is not to be altered and bringing the building back in to use will consolidate and strengthen the vitality of the District Centre which accords with the requirements of Policy 27. Therefore, in principle the proposals are acceptable.

Impact on Heritage Assets

2.5.6 The former Public House and its two-storey outbuilding appear on the 1843-1845 Ordnance Survey Map – see below:



3.5.6 The two buildings are relatively intact and appear as they would have at, and before that time. The main building is not to be altered in anyway and thus there will be no loss to local heritage. However, the two storey brick barn located to the side and rear of the building is to be demolished to enable greater parking provision within to the site.

3.5.7 The former public house buildings, along with the attached terrace are considered to be non-designated heritage assets. Paragraphs 196 and 197 of the National Planning Policy Framework therefore need to be considered:

“196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

3.5.8 The brick two storey outbuilding is very much a secondary building to the main former Public House. Having visually inspected the building it is evident that the building is in a serious state of disrepair. The demolition of this building, would lead to less than substantial harm to the significance of the non-designated heritage asset(s) – the former Public House and attached terraced dwellings, as these buildings are retained with the former Public House being brought back in to active use.

3.5.9 As the buildings have laid vacant for over a decade and the main former Public House building is to be brought back in to use, the public benefits of this building being occupied to the vitality and vibrancy of key building within the defined District Centre, is considered to outweigh the harm caused by the demolition of an outbuilding to the former Public House.

Impact upon Residential Amenity

3.5.10 A short row of terraced dwellings attach to the former Public House and terraced dwellings exist to the rear of the building on Wareham Street along with a number of other dwellings/ terraced streets. 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 via Wareham Street and internal noise from the prayer and Madrassa activities.

3.5.11 The streets to the rear of the application site are one-way and thus traffic travelling to the proposed facility has also been considered.

- 3.5.12 An Acoustic Report has been prepared by AB Acoustics and it notes that from a noise standpoint the site is suitable for the intended use. The report makes two key recommendations – 1) To install a timber / metal studded partition adjacent to the party wall in the prayer hall and the two classrooms and 2) it also recommends that the rear of the car park with the access off Wareham Street be closed for the first and last prayers to reduce the impact upon properties to the rear.
- 3.5.13 The installation of the partition can be easily conditioned. The closure of a portion of the car park can also be secured by planning conditions which the applicants have agreed too. The Highways Officer have also agreed to this during night time hours and is satisfied that during night time hours users of the building can enter and leave the site via Whalley Old Road.
- 3.5.14 It is considered that planning conditions restricting the use of the vehicular entrance from Wareham Street during night time hours and use of the rear park will adequately safeguard the amenity of the nearest neighbours. Accordingly, subject to compliance with the suggested conditions, the proposals accord with Policy 8 of the Local Plan Part 2.

Parking provision and Impact of the Development on Highway Safety

- 3.5.15 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.
- 3.5.16 During the course of the application, the applicants have worked with Officers to create a safe and useable car park. The Highway Authority is satisfied with the number of parking spaces proposed (21 in total), and the proposals for Wareham Street to be used to access to the site and for egress to be on to Whalley Old Road. When users of the development are leaving the site they will thus be waiting within the site and thus not causing conflict with the free flow of traffic along Whalley Old Road.
- 3.5.17 Safeguarding the amenity of the nearest neighbours during night time hours will mean that during the hours of 10pm and 7am access and egress from the site will be from Whalley Old Road. The Highway Authority has considered this proposal and are satisfied that between these times the free-flow of traffic on this road will not be significantly disrupted. Therefore, subject to the recommended conditions, the proposals are considered to accord with Local Plan Part 2, Policy 10.
- 3.5.17 In summary, officers are content that the recommended planning conditions will result in a development which is acceptable from a highway safety and residential amenity perspective. For these reasons, it is recommended that conditional planning permission be granted.

4.0 RECOMMENDATION

4.1 APPROVE, subject to the following conditions:

1. The development must be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan, submitted with the application;
Drawing no. 009/02/18/181/@A1 02: Proposed Floor Plans, submitted with the application; and,
Drawing no. 03/PL/ Rev. D4: Proposed Site Layout, received 06 January 2021

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

3. Prior to demolition of the outbuilding hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

4. No demolition works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

5. Prior to the commencement of development hereby approved a scheme for the construction of the site access and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the National Planning Policy Framework.

6. The 21 no. car parking spaces indicated on Drawing no. 03/PI Rev. D4 shall be marked out in accordance with the details shown on the approved plan and made available for use before any of the building is hereby first used for its approved use(s), and shall be retained as such thereafter.

REASON: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of future occupiers in accordance with the requirements of Policy 10 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

7. No site preparation/clearance or demolition shall commence until details of covered and secured cycle storage have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the use of the development commences. The facilities shall be retained at all times thereafter.

REASON: To encourage sustainable transport modes in accordance with the objectives of policies 7, 8, 10 and 36 of the Blackburn with Darwen Local Plan Part 2 (2015) , the Blackburn with Darwen Air Quality Planning Advice Note and the National Planning Policy Framework.

8. Notwithstanding any details submitted as part of the application, the building hereby approved shall not be occupied/ used for its approved use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

(i) details of a Travel Plan co-ordinator;

- (ii) details of measures to be introduced to promote a choice of travel modes to and from the site and to mitigate the air quality impacts from the development;
- (iii) a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- (iv) a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

REASON: In order to promote modal shift and increased use of sustainable methods of travel in the interests of the safety of all highway users, in accordance with the objectives of policies 7, 8, 10 and 36 of the Blackburn with Darwen Local Plan Part 2 (2015), the Blackburn with Darwen Air Quality Planning Advice Note and the National Planning Policy Framework.

- 9. Prior to the commencement of the approved use the soundproofing to the party wall adjoining number 183 Whalley Old Road, as detailed in the AB Acoustics Report dated May 2019, shall be installed and thereafter retained in perpetuity.

REASON: To safeguard the amenity of adjoining occupants and to accord with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

- 10. Notwithstanding the approved plans, the entrance to the car park from Wareham Street and parking spaces 1-11 (inclusive)/ the rear part of the car park, as shown on Drawing no. 03/PI/Rev. D4, shall be closed outside of the following hours:

Monday – Sunday – 7:00 am – 22:00

REASON: To safeguard the amenity of surrounding residents, in accordance with Policy 8 of Blackburn with Darwen Local Plan Part 2 (2015) and the National Planning Policy Framework.

- 11. Demolition and / or renovation works shall not be permitted outside the following hours:

Monday to Friday 8:00 to 18:00
Saturday 9:00 to 13:00

Construction and demolition works shall not be permitted on Sundays or Bank or Public Holidays.

REASON: To limit noisy activity to within normal working hours in the interests of safeguarding the amenity of adopting and nearby residents, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015) and the National Planning Policy Framework.

12. Prior to the commencement of the approved use the soundproofing to the party wall adjoining number 183 Whalley Old Road, as detailed in the AB Acoustics Report dated May 2019, shall be installed and thereafter retained.

REASON: In the interests of safeguarding the amenity of the nearby neighbours in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015).

13. Between the hours of 22:00 – 07:00 access and egress to the site shall be from Whalley Old Road only, with no vehicular access from Wareham Street.

REASON: In the interests of safeguarding the amenity of nearby residents from noise and disturbance, taking account of the safety of the strategic network, in accordance with Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 (2015).

14. There shall be no externally audible "Calls to Prayer" from either the building hereby approved or from within any other part of the application site at any time.

REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (2015).

15. There shall be no wedding celebrations held within the site. Wedding functions shall be limited to 'Religious Registration'.

REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for Use Class F1(f): 'Public worship or religious instruction (or in connection with such use)', purposes, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), only, and for no other purpose including any other use which falls within use Class F of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification.

REASON: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to harm the amenities of surrounding occupiers and/ or highway safety, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Local Plan (2015 and the National Planning Policy Framework.

5.0 PLANNING HISTORY

5.1 The following table provides details of the planning history for the site:

Application Number	Development Description	Decision	Date
10/18/0450	Change of use from former public house (A4) to a Mosque/Madressa (D1)	Withdrawn	27/03/2020
10.84/1188	Erection of new building for use as a community centre on vacant land adjacent to Little Harwood Inn	Withdrawn	10/09/1985
10.87/1689	Extension to existing community centre to form meeting rooms , toilets and storage space (Land between Whalley Old Road and Wareham Street and to the south west of the Little Harwood Inn Blackburn)	Approved	15/12/1987
10.82/1604	Erection of a garage	Approved	29/09/1982
10.82.1896	Garage	Approved	15/10/1982
10.77/0567	5 Garages	Approved	27/04/1977

6.0 CONSULTATIONS

6.1 Statutory Consultee Responses

6.1.1 Public Protection – No objections, subject to the recommended conditions restricting the use of the rear access and car park area during nighttime hours.

6.1.2 Highways – No objections, subject to the recommended conditions being imposed.

6.1.3 Drainage – No objections, subject to the imposition of an informative advising that the property is within Flood Zone 2 and the Environment Agency advice for members should be followed.

6.2 Public Representations

6.2.1 The application has been advertised by Site Notice and 154 adjoining and nearby properties were consulted by letter. The application has also been advertised on the Council's website.

6.2.2 7 representations have been received from nearby neighbours who raise the following concerns (full details are contained in Section 9):

- No need for another Mosque when two mosques exist within 2 minutes' walk of the site
- Loss of parking for users of existing shops
- Insufficient parking provision for the number of people who will use the facility
- Concerned for safety of all highway users given Whalley Old Road is very busy at peak times
- Crossing Whalley Old Road at busy times is already hazardous – this will make things more dangerous
- Parking in the area is already a struggle
- The use will exacerbate existing parking issues within the vicinity, on Bethel Road, Waeham Street and Whalley Old Road, caused during events held by the Community Centre
- Disruption to traffic flow and negative knock on effect on other streets and roads
- There is a nursery, infants and junior school in close proximity – will increase risk of Road Traffic Accidents for the local population including children and senior citizens
- Noise concerns particularly late at night and at peak prayer times
- The Outbuilding is part of the heritage of Little Harwood and should not be demolished

7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer

8.0 DATE PREPARED: 05 March 2021

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Tahir Malik, 294 Whalley Old Road, Blackburn. – Rec – 16/09/2020

Dear Claire,

There is a planning order for a mosque to be built at 181 Whalley Old Road, Blackburn. I am objecting to this because...

- There are already two mosques 30 seconds from the address mentioned. And these mosques do not get filled unless its 'Eid' which is twice a year or on a Friday which is once a week [Friday's Prayer].
 - I live on Whalley Old Road just up the road from the address in mention, I already struggle to find a parking spot and if this planning does go ahead then I would find it impossible to park my car.
 - I have a great nephew who lives next door to the address mention, and he has just started school which is nearby, I fear for him and other young children's safety, with so much traffic on the road as it is, and if this planning does go ahead the traffic would only get worse.
-

Objection – Anonymous. Rec – 21/09/2020

Hi i am emailing this in regards to the above planning application.

I am not satisfied as to the planning for this area as for many reasons

Firstly we are a old couple who lives on the street just round the corner from this area and we already have issues linking around this area as to being over cramped with many things in the area. If how ever this planning goes ahead we will overall not be happy at all as we struggle to find parking on a normal day in our street due to people using the street to come shop or buy food. We are a couple old who have illnesses and if we go shopping and we do not have space to park how an earth would we get the shopping out due to people using our street to park as to when they start using this the above planning above for the madressa/mousqe this would not be fair on the residents who live close buy do to lack of parking spaces..... the area is already cramped with high volume of cars and shops. We would as a resident and health issues couple would struggle if this went ahead as they would be many many conflicts for elderly people so could i please ask you to bear this and re think ur planning again as we are overall not happy.

I would like to REMAIN ANNOYMOUS and would not like or want my name mentioned as i do not want any issues or conflict so please can i ask you to keep this private as the safety or my self my wife and my own home....

Objection – Makbuk Ukaye, 3 Warrington Street, Blackburn. Rec – 22/09/2020

I wish to comment in relation to **full planning application - change of use from former public house to a Mosque/ madressa and demolition of exiting outbuilding.**

Firstly is wish to point out that the building is on the main road. The road is very busy with traffic always specially in the evening people park their car's on both sides although there single line outside the building. It is a very busy shopping area at times it is very difficult to cross the road due to cars on both side. The need for Mosque/Madressa may be is something which ones opinion may vary however there are number of Mosque / Madressa within the area and these are all in safe area away from the main road. When you look at other Mosque /Madressa there are issues with parking and safety of the children although each Madressa manages with having volunteers in place mainly during the winter months where the concerns are higher. The building been on the main road exposes more risk for everyone if the permission is granted as the number of people attending the mosque during the day/night during Ramadhan and children going to Madressa. I hope these concerns are taken on board otherwise it only becomes a formality as this is ongoing as previously planning permission was requested and similar opinion were raised.

Objection – Sohail Ashraf, 236 Whalley Old Road, Blackburn. Rec – 22/09/2020

THERE IS ALREADY TOO MANY PLACES OF WORSHIP IN LITTLE HARWOOD. THE TRAFFIC IS DANGEROUS. COMMUNITY CENTRE IS FULL EVEN WHEN NOT BEING USED.

NEW PLACE WORSHIP ON ROBINSON ST. MOSQUE BAY ST. ONE ON WHALLEY OLD ROAD. THEN PLANE TREE ROAD. NOT TO MENTION AL THE HOUSES THAT TEACH. MOSS STREET. WHALLEY OLD ROAD. ALL WITHIN HALF A MILE.

I AM A MUSLIM. BUT I REJECT THIS PROPOSAL AS THE ABOVE. THERE NO DEMAND FOR IT. ...

THEY HAD IT EMPTY FOR 10 YEARS. NOT NEEDED.

Objection – Anonymous. Rec – 28/09/2020

Further to the notification you sent us regarding planning permission being sought in relation to the above property for a "change of use" from a public house to a mosque/madressa.

I feel compelled to raise serious concerns in relation to this plan on the basis of the following:

1. Little Harwood is a residential area that is heavily populated with multi-generation families. The increased traffic congestion this change would create in essence is compounding the current parking problems residents already experience particularly during prayer times.
2. There are at least 2 Mosques/Madrassas less than 200 yards from this location
3. Whalley Old Road is very busy Road, creating a Mosque/Madressa will increase the numbers on cars using the Road and hence the increased risk of RTAs, particularly with the local population and the number of senior citizens and young children.
4. There is a nursery, infants and junior school less than 50 yards from this location, I am concerned as to the congestion this would create.

Based on the above I would have to register objection to the above development.

Objection – Ebrahim Musalman, 22 Coniston Road, Blackburn. Rec – 02/10/2020

REF: Full Planning Application - Change of use from former public house (A4) to a Mosque/Madressa (D1) and demolition of existing outbuilding at 181 Whalley Old Road, Blackburn, BB1 5PQ.

Good evening,

I am writing in relation to the above-mentioned planning application.

- 1) We already have a Mosque **and** Madressa in the locality which is big enough to cater for the local community - I believe we do not need another mosque or madressa as the existing mosque is only 2 minutes' walk from the above-mentioned address
- 2) With the current existing traffic issues on the main road, a mosque will result in an increase in the traffic, and cause disruption to traffic flow, which in turn will have a negative knock-on effect on other streets and roads due to traffic build up.
- 3) The rear of the property is looking directly into the dwellings behind the former pub. I believe this is a privacy issue.
- 4) The outbuilding is an old building - built with old stones and looks good as part of the heritage of Little Harwood.

There are more inconsistencies that have surfaced in the application information online:

only 6 out of 12 houses in Robinson Street have been contacted as neighbours - **What about the other 6????**

Likewise - why have only number 10 and 12 of Broadfold Avenue (BB1 5PS) been contacted - **What about the other houses on the street???** and **how are number 10 and 12 neighbours of the former pub**

Why is someone from Penrith/ Cumbria being consulted regarding something 77.4 miles away in Little Harwood

I apologise for the long-winded email, but I am a concerned resident of the area and would like to take part in all consultations regarding the proposition.

I hope the above questions can be answered for me and all issues can be looked into before any action is taken.

Objection – Haroon Lorgat, 7 Bethel Road, Blackburn. Rec – 02/10/2020

To whom it may concern,

I reject the planning application (Ref: 10/20/0814) on the basis of the issues highlighted below:

1. Parking - The car park the building currently owns is not sufficient for the number of people who will occupy said facility. As is the case now with events at the Little Harwood Community Centre next door the surrounding streets namely Bethel Road, Wareham St and Whalley Old Road are used for additional parking. This new application will only exacerbate that situation. Parking is inconsiderate often double parked causing traffic issues especially on the main road.
2. Noise - I believe the purpose of the proposed planning application will add to the noise issues for the surrounding area especially for events that run late in to the night and at peak prayer times.

REPORT OF THE DIRECTOR

Plan No: 10/20/0932

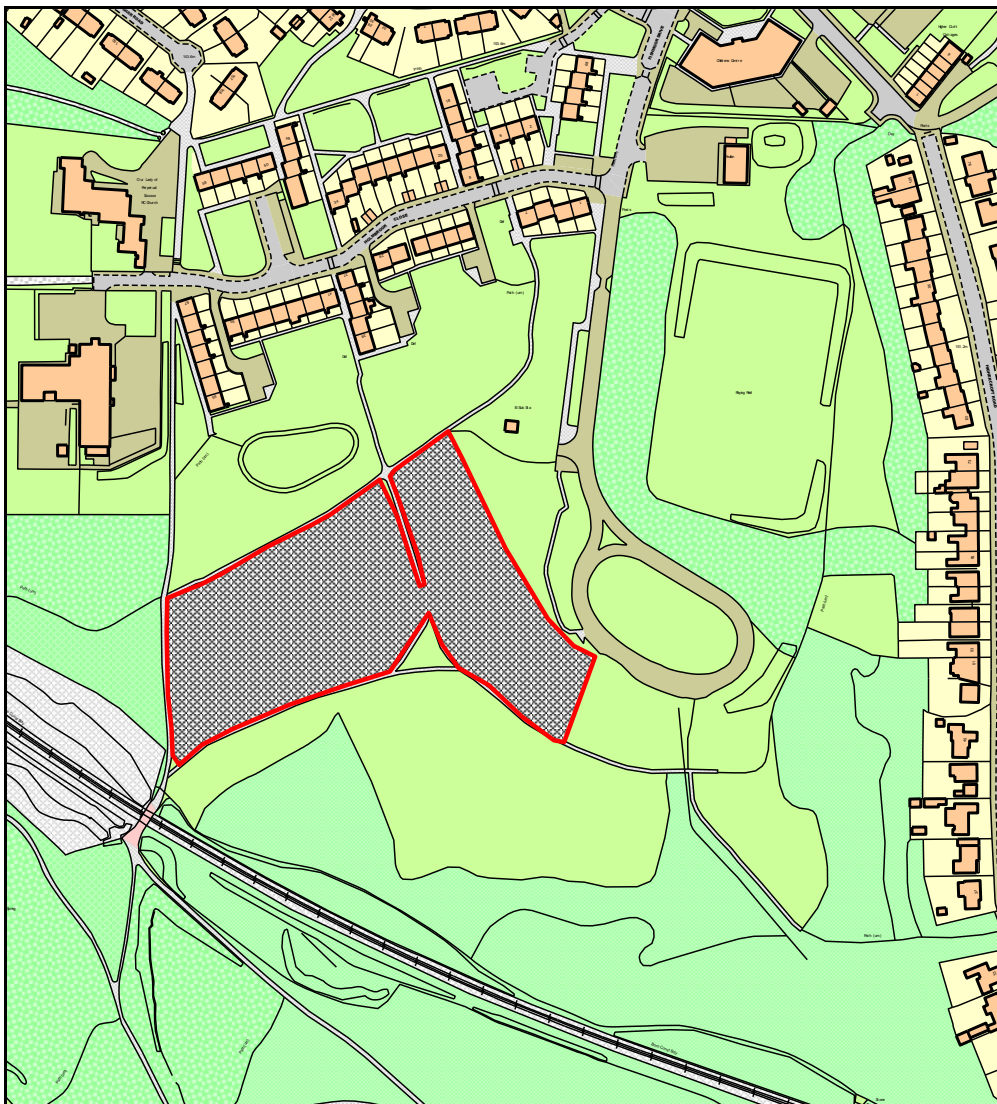
Proposed development: Full Planning Application (Regulation 4) for Formation of engineered bunds.

**Site address:
Land to the South of Holmbrook Close
Blackburn**

Applicant: Countryside Properties

Ward: Blackburn South & Lower Darwen

**Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.

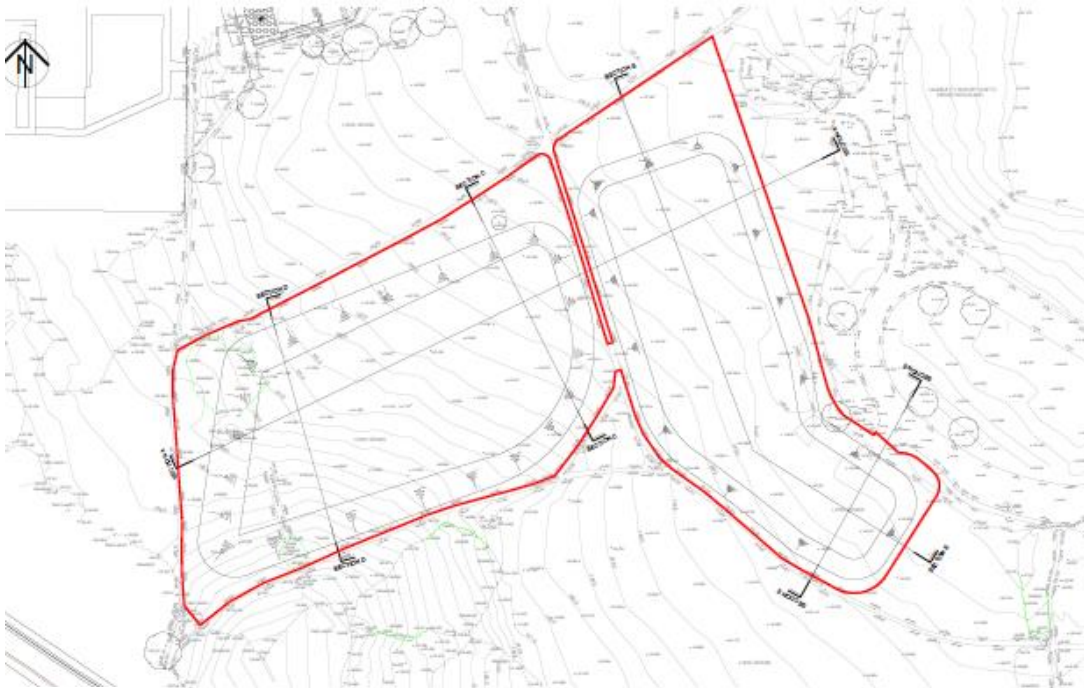
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application seeks full planning permission for the formation of engineering bunds. It is reported to Committee as a major application type that cannot be determined under delegated powers, in accordance with the terms of the adopted Scheme of Delegation.
- 2.2 The application site (the site) is Council owned. The applicant, Countryside Properties, following pre-application discussion with Council Officers, propose the importation of inert materials derived from ground works associated with their recently approved development (with Together Housing) for 383 homes and associated infrastructure, at Fishmoor Drive and Roman Road (ref. 10/20/0934). Support of this application will offer the developer the convenience of depositing material onto previously developed (brownfield) land in close proximity which is allocated for housing and which is expected be developed for such in the short to medium term. The deposited material will be re-used for appropriate re-profiling of the land, in conjunction with future development.
- 2.2 Assessment of the submitted details establishes that the proposal corresponds with the relevant policies of the Development Plan with specific reference to the creation of engineered bunds, as a temporary landscape feature. This is pending the aforementioned redevelopment of the site for housing, on account of its position within an allocated 'Development Opportunity' in the Local Plan Part 2 (ref. *Fishmoor Drive Development Site – SE Blackburn*). Furthermore, from a technical point of view, all issues have been addressed through the planning application or are capable of being controlled or mitigated through planning conditions.

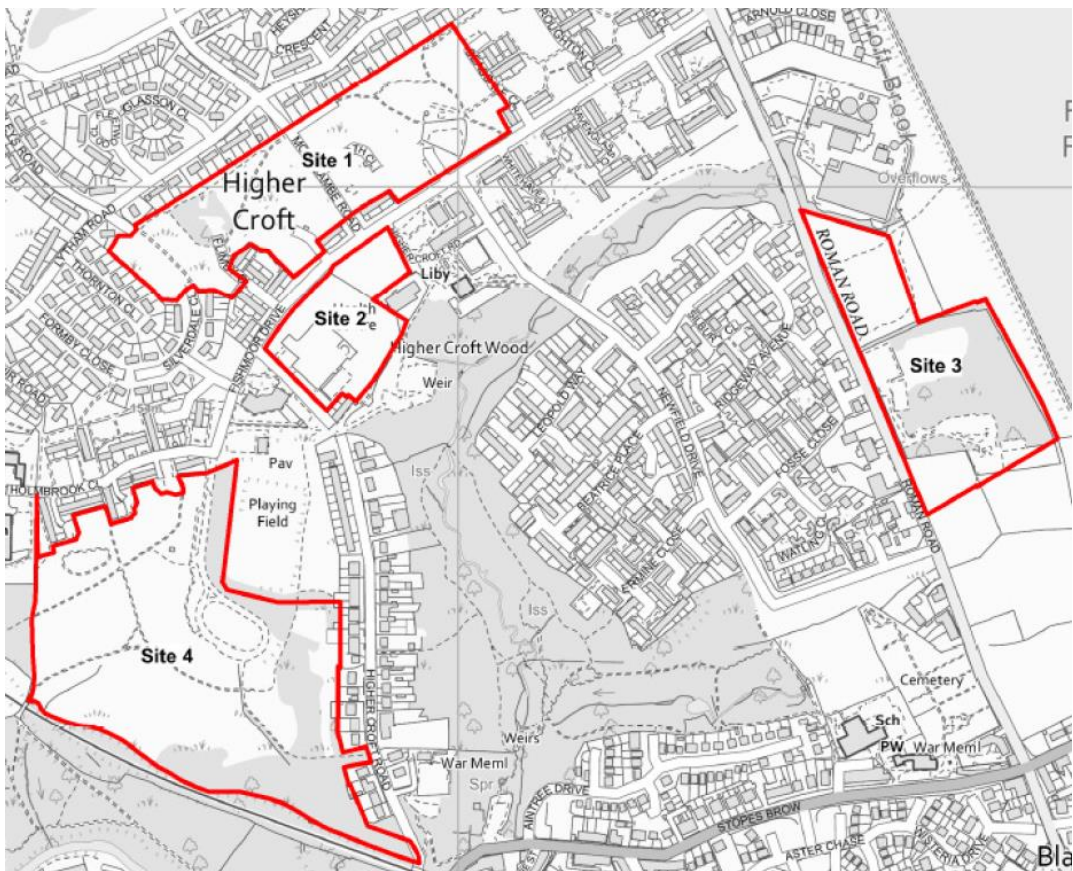
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site is located at the south western end of Fishmoor Drive and to the rear of Holmbrook Close, Blackburn. It measures 1.41 hectares in area and within the aforementioned 'Development Opportunities' site allocation which is referenced as Parcel 4 amongst the Fishmoor Residential Development Sites, illustrated below:



The Site



Fishmoor Residential Development Sites

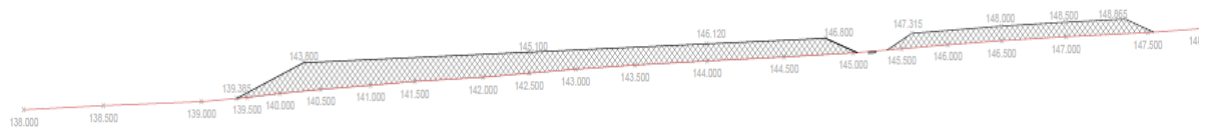
3.1.2 The site was historically a housing estate hosting former Council housing stock. The houses were demolished around the year 2000. It is informally suggested that demolition of the houses was limited to above ground structures, with sub-structures and associated infrastructure still in-situ.

3.1.3 Topographical features include a general fall of land levels from north-east to south-west and an otherwise expanse of grassed open space with a series of informal traversing footpaths. A formal Public Right of Way (PROW) running north to south abuts the western edge of the site.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the deposition of up to 25,000 cubic metres of inert materials from Parcels 1, 2 and 3 (those being land parcels subject to the development of 383 homes), occupying an area of 1.41 hectares of an overall area occupied by Parcel 4 of 8.7 hectares. The bund positioned at the eastern side of the site will be set at a height of 1.8m, providing storage of circa 7750 cubic metres of inert material. The bund at the western side of the site will be set at a height of between 2m and 3.4m, getting higher as the bund falls with the natural slope of the site towards the south. It will provide storage of circa 15100 cubic metres of inert material.

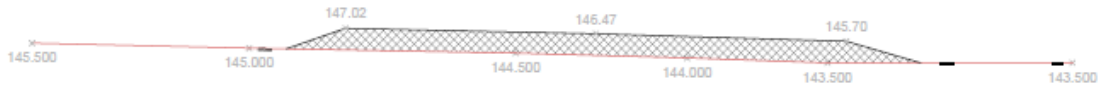
3.2.2 The material will be deposited in the form of two engineered spoil bunds / mounds placed on to a geotextile marker layer, averaging approximately 2m in height, when measured from existing ground level. The bunds will be seeded once formed. Their levels have been derived to complement the existing topography of the site, limiting the visual impact on site and from areas beyond. Cross sectional drawings of the bunds are as follows:



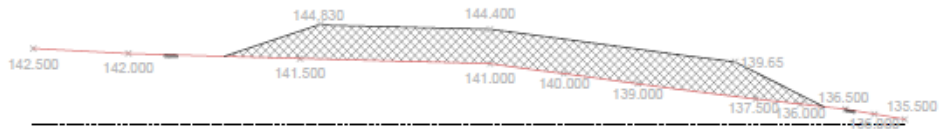
SECTION A - A



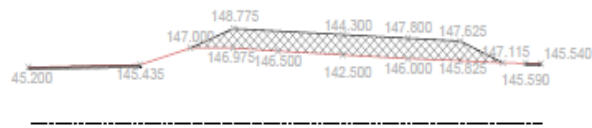
SECTION B - B



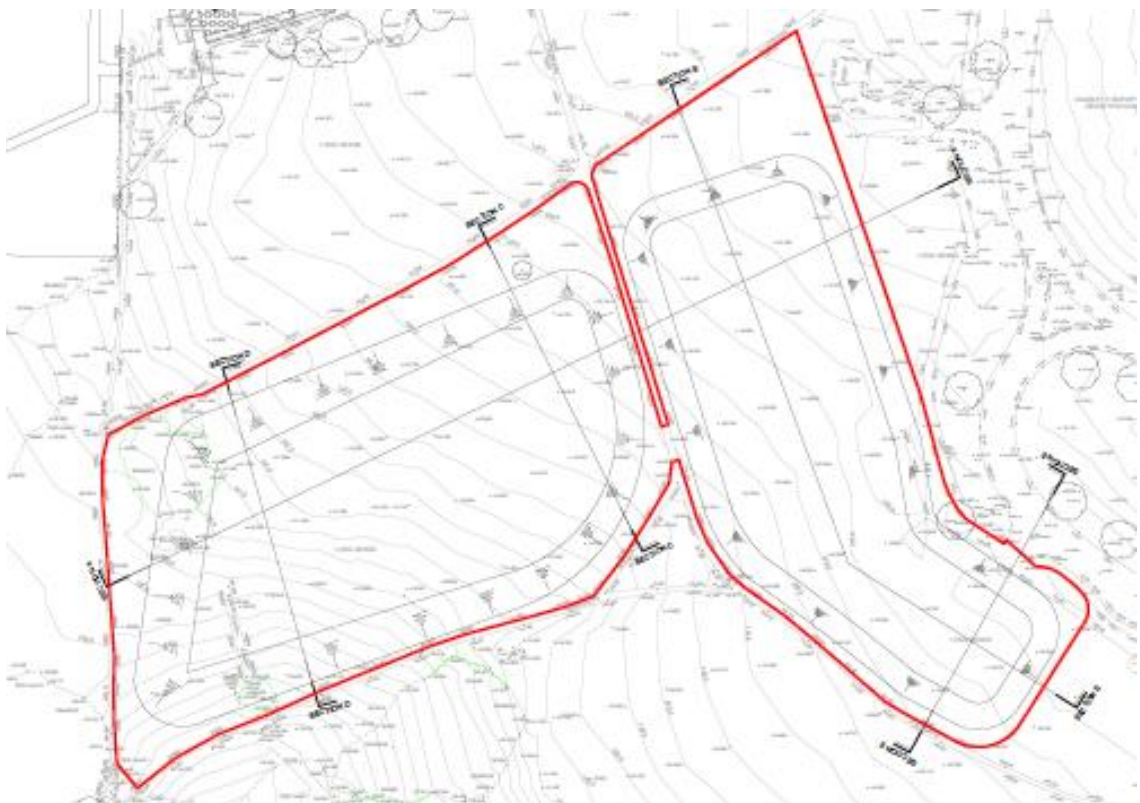
SECTION C - C



SECTION D - D



SECTION E - E



3.2.3 The location of the bunds have been carefully considered following a spatial assessment of the site, in order to avoid conflict with adjacent land uses, footpaths, legacy infrastructure, trees and challenging topography.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications 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
- CS5 – Locations for New Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure

3.3.4 Local Plan Part 2 (LLP2)

- 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
- Policy 11 – Design
- Policy 28 – Development Opportunities
- Policy 41 – Landscape

3.3.5 Joint Lancashire Minerals and Waste Local Plan

3.3.6 Joint Lancashire Minerals and Waste Development Plan

3.3.7 Joint Lancashire Minerals and Core Strategy (2009)

3.3.8 Site Allocations Development Management Policies Plan Part 1 (2013)

- Policy M2 – Safeguarding Minerals.

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework) (2019)

3.5 **Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of development
- Amenity impact
- Environmental impact
- Highways and access
- Impact on landscape character / design

3.5.2 Principle

3.5.3 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth'

3.5.4 Policy 1 confirms the urban boundary to be preferred location for new development.

3.5.5 The site sits within a wider 'Development Opportunities' site allocation, as defined by Policy 28 (site 28/6). The policy supports the grant of planning permission for residential development. As a non-residential form of development, policy conflict arises. The nature of the proposed works will, however, support a previously approved major housing development by reason of facilitating the convenient and cost efficient movement of clean material over a short distance.

3.5.6 Moreover, it should be recognised that, whilst the purpose of the policy is to support the principle of residential development at the site, it does not specifically preclude other forms of development.

3.5.7 As engineering works associated with the regeneration of the Fishmoor area, assisting the aforementioned housing development and the eventual redevelopment of the Parcel 4, the proposal is considered consistent with the strategic aims of the Fishmoor regeneration project and the wider housing focussed growth objectives of the Core Strategy. Moreover, it is not considered to be directly at odds with the site-specific allocation policy, in that the land will continue to be available for housing lead development, with an expectation that this would occur within the short to medium term, following completion of Parcels 1, 2 and 3. In this context, a feasibility study produced by Capita, considers the impact of the proposal on the future redevelopment of the site.

3.5.8 The study concludes that the proposal will have no significant impact on the economic viability of developing the site in the future. It confirms that the proposed land level increase will not have any significant environmental impacts, with specific reference to surface water management / flood risk, ecology and visual amenity. It is also important to note that the deposited

materials can be efficiently reused within the site to undertake re-profiling / landscaping works as appropriate, in association with future housing development.

3.5.9 Accordingly the principle of the proposed development is considered acceptable, in accordance with the Development Plan and The Framework.

3.5.7 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It also requires a satisfactory level of amenity and safety is secured 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 nearest residential properties to the proposed bunds are those on Holmbrook Close, to the north. Habitable facing windows to the rear of these properties would be a minimum of 90m away. Accordingly, no amenity concerns arise for householders of these properties.

3.5.11 Our Lady of Perpetual Succour Primary School to the west is located circa 70m from the bunds and is similarly unaffected.

3.5.12 The proximity of the railway line to the south of the site dictates the need for the applicant to liaise with Network Rail, in accordance with their Asset Protection protocol. The applicant is directly advised by Network Rail that works must not be commenced on site until they have been agreed.

3.5.13 The applicants have commissioned a ground investigation report, the summary conclusion of which is that the site had variable thickness of Made Ground over expected superficial and solid geology strata and that there are potentially localised areas or 'hot spots' of contamination present, including asbestos and several heavy metals etc. The proposed deposition of materials poses no concern to pre-existing ground conditions, though it should be recognised future redevelopment of the site for housing will require a detailed contaminated land assessment and remediation strategy, as appropriate.

3.5.14 A key consideration with this proposal is ensuring that the deposited materials are clean and do not add any additional contaminants to the site. This will be controlled by the Environment Agency (EA) under their Environmental Permitting regulatory regime. Should planning permission be granted, the applicant, as acknowledged in their supporting statement, they will be legally obligated to gain the approval from the EA of a Materials Management Plan (MMP), before commencing deposition of materials. The MMP will ensure that all materials are inert, so as to pose not contamination threat. As regulations outside of the scope of planning law, the MMP cannot be required by planning condition. Instead, an informative will be applied to the grant of planning permission advising the applicant of their legal obligation.

3.5.15 Implementation of a Construction and Environmental Management Plan will guard against excessive disturbance during construction of the bunds, arising from noise, dust, vibration and the safe and efficient movement of highway users.

3.5.16 Accordingly, no excessive public amenity impacts are considered to arise from the proposal, in accordance with Policy 8 of the Development Plan and The Framework.

3.5.17 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.18 Drainage

To be included in the update report.

3.5.19 Ecology

A Preliminary Ecological Assessment is submitted with the application. The Assessment confirms no likely impacts on the following:

- Internationally designated wild sites;
- Nationally designated wildlife sites;
- Priority habitats;
- Amphibians;
- Badger; and
- Bats;

3.5.20 Adherence to the submitted Reasonable Avoidance Measures Method Statement (RAMMS) will guard against harm to amphibians, hedgehogs. This will be secured via condition.

3.5.21 Highways

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 off street servicing and parking in accordance with the Council's adopted standards.

3.5.22 Although bunds will be positioned adjacent to informal footpaths traversing the site and a definitive PROW to the south of the site, none will obstructed. Existing pedestrian access will, therefore, be unaffected.

3.5.23 No significant impacts on highway safety and efficiency arise, subject to submission of the aforementioned CEMP which will include details of highway management, including carriageway cleansing as well as construction / operative vehicle parking and servicing areas.

3.5.24 It should be recognised that the containment of material relocation being confined to the Fishmoor Area (predominantly Fishmoor Drive), alleviates the

threat of adverse impacts on the wider highway network. Amenity impacts arising for residents of Fishmoor Drive would be temporary and nominal when considered in the context of the wider redevelopment programme that would be ongoing at the time.

3.5.25 Accordingly, the visual impact of the bunds is considered to be acceptable, in accordance with Policy 10 of the Development Plan and the Framework.

3.5.25 Design / Landscape Character and Appearance

Visual impact of the proposal is assessed against Policies 11 (Design) and 41 (landscape). The policies require, respectively, a good standard of design that will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area, and no unacceptable impact on landscape character or the principal traits associated with it.

3.5.26 Height of the bunds will vary between circa 2m towards the northern end of the site and 3.4m at the southern end of the site, in response to the existing site topography which falls away to the south. Moreover, the bunds will gently slope at their edge from top to bottom and they will be grass seeded to further aid their assimilation into the surrounding open landscape.

3.5.27 It is considered, therefore, that the visual impact of the additional land mass on landscape character will be adequately mitigated.

3.5.28 Assessment of the impact of the bunds on visual amenity and landscape character should be considered in the context of their temporary nature and the fact that the site sits within a housing allocation that will be so developed in the short to medium term, thereby culminating the regeneration of the Fishmoor area.

3.5.29 Accordingly, the visual impact of the bunds is considered to be acceptable, in accordance with Policies 11 and 41 of the Framework and the Framework.

3.5.30 Summary

This report assesses the full planning application for the creation of engineered bunds at land to the south of Holmbrook Close, Blackburn.

3.5.31 In taking account of an appropriate range of material considerations, the assessment demonstrates that planning permission should be granted when balancing the merits of the proposal against any potential harm that may arise from its implementation. This report concludes the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 7th October 2020 and with the following drawings / plans / information: (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The development shall be implemented in strict accordance with the Reasonable Avoidance Measures Method Statement (RAMMs), produced by TEP, dated December 2020. All measures which form the approved methodology shall be implemented for the duration of the demolition and construction works hereby approved.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

4. The development shall be implemented in strict accordance with the details set out in the Invasive Non-Invasive Species Method Statement, produced by TEP, dated December 2020. All measures which form the approved methodology shall be implemented.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

5. The development shall be implemented in strict accordance with the details set out in the Construction and Environmental Management Plan, received 8th November 2020. All measures which form the approved methodology shall be implemented.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

6. The bunds hereby approved shall sit on a geotextile marker layer and shall be grass seeded once formed.

REASON: In the interests of visual amenity, landscape character and ecology, in accordance with Policies 8, 9, 40 and 41 of the Blackburn with Darwen Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site.

6.0 CONSULTATIONS

6.1 Public Protection

No objection. General advice offered around management of deposited materials to ensure no additional contamination threat.

6.2 BwD Drainage

To be added in Update report.

6.3 United Utilities

To be added in Update Report.

6.4 Highways

No objection subject to submission of a Construction and Environmental Management Plan.

6.5 Public Rights of Way

No objection subject to application of an informative stating that the adjacent PROW should not, at any time, be obstructed.

6.6 Ecology

No response offered.

6.7 Network Rail

No objection subject to applicant agreeing asset protection measures:

It is noted that the applicant has completed the Network Rail development form; this should have been submitted to AssetProtectionLNWNorth@networkrail.co.uk –

At this stage the proposal documents and works details must be submitted for review to Network Rail Asset Protection – works must not commence until the works and documents are agreed by Network Rail.

6.8 Environment Agency

No response offered at the time of writing the report. Any comments received will be reported in the Update Report.

6.9 Public consultation has taken place, with 66 letters posted to the local community; a press notice published 12th November 2020; and display of site notices. No comments were received in response.

7.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner].

8.0 DATE PREPARED: 4th March 2021.

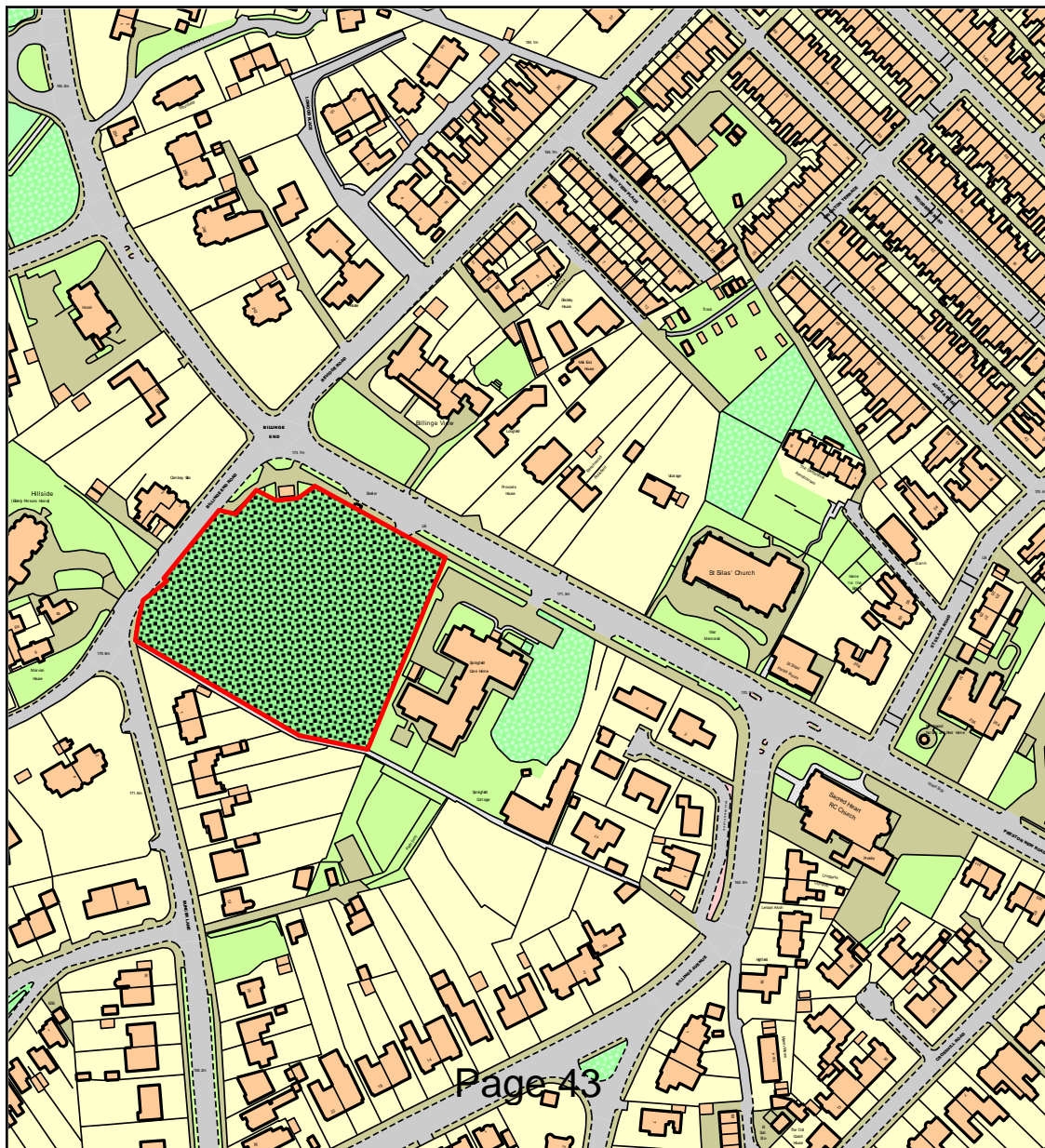
Proposed development: Full Planning Application for: Demolition of school buildings and erection of new place of worship and community centre, including associated car parking landscaping, gates to existing points of access from the public highway and widening of vehicular access.

**Site address:
Former Westholme Nursery School
Preston New Road
Blackburn
BB2 6PS**

Applicant: Monte Group on Behalf of Issa Foundation

Ward: Billinge & Beardwood

**Councillor Julie Daley
Councillor Tasleem Fazal
Councillor Jackie Floyd**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application seeks full planning permission. It is reported to Committee as a major application type that cannot be determined under delegated powers, in accordance with the terms of the adopted Scheme of Delegation.

2.2 The proposal, in redeveloping this redundant brownfield site for the purpose of a Mosque and Community Centre, represents a viable and sustainable form of development at a prominent and key arterial route into Blackburn, taking the form of a landmark building of bespoke design. Community benefits arising include facilities for prayer, training, education and opportunities for community integration, aligning with the principles of Blackburn with Darwen's community cohesion agenda. In this context, the Borough is one of five national Integration Areas invited by the Ministry for Housing, Communities and Local Government (MHCLG) to work closely with them on innovative plans to address social integration. The borough was selected because of its strong track record for building bridges between diverse communities and its willingness to try new approaches. MHCLG is funding a three year programme in Blackburn with Darwen that aims to boost the borough's economic prosperity and build stronger, more integrated communities. This work is an important priority for the Council and we have worked with a wide range of local partners to develop Blackburn with Darwen's social integration programme – called Our Community, Our Future.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site (the site) measures 9165 square metres. It is located on Preston New Road, at its junction with Billinge End Road, Blackburn and was previously occupied by Westholme Infant and First School, prior to them relocating. It is now owned by the applicant.

3.1.2 The site comprises of a Victorian 2-storey centrally located building constructed in brick and a mono-pitch slated roof. This main building has been incrementally extended over the years with single-storey additions. There are other single storey brick buildings within the site with pitched tiled roofs.

3.1.3 There are also external play areas within the site and a series of footpaths connecting the various buildings and external areas.

3.1.4 Internally, the buildings comprise of various and separate facilities for nursery, reception, and pre-school years which interconnect with the main building.



Google image of application site – Former Westholme Nursery School

- 3.1.5 The main building is sub-divided into teaching areas, commercial kitchen, main hall, staff, reception and nursery with at first floor further classrooms. There is also a large basement.
- 3.1.6 Generally, the alterations undertaken over a significant number of years are considered to have resulted in an overall unsympathetic piecemeal form of development.
- 3.1.7 Internal floor areas of the existing series of buildings are set out in the following table:

EXISTING BUILDINGS ON SITE	GIFA (sq. m)
Main Building	490.00
First Floor	215.00
Basement	135.00
Kitchen / Hall / Ancillary	320.00
Pre-School Building	270.00
Reception Building	180.00
Year-1 Building	120.00
TOTAL	1,730.00 m2

- 3.1.8 The site includes a main car park which is accessed directly off Preston New Road.
- 3.1.9 Mature trees define the perimeter of the site, along Preston New Road and Billinge End Road. Low-lying vegetation growth and informal lawned areas also feature within the site.



Google Street View image of application site when viewed from Preston New Road

- 3.1.10 Land levels across the site rise gradually towards the south western boundary, amounting to a 9m variance from the south eastern corner.
- 3.1.11 The wider area is defined by its residential urban character, punctuated by commercial and community uses. The limits of the Revidge Conservation Area (CA) extend to Preston New Road, directly opposite the site. The character and appearance of the CA is derived from the presence of typical Victorian stone and brick two storey terraces and Victorian villas. To clarify, the site lies beyond the fringe of the CA, to the south west.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the demolition of school buildings and erection of new place of worship and community centre, including associated car parking landscaping, gates to existing points of access from the public highway and widening of the vehicular access from Preston New Road; as set out in the submitted drawings and Planning, Design and Access Statement.
- 3.2.2 The Mosque / Place of Worship is a two storey building sited central to the overall site. Design is of contemporary Islamic architecture, featuring arched windows and fenestration, with two 29m high minarets and a dome.
- 3.2.3 The Community Centre is a rectangular four storey building positioned and detached from the Mosque towards the south east corner of the site. Whilst

window and fenestration design mimic that of the Mosque, the building is generally a much simpler form.

3.3.4 The proposed floor areas of the buildings and a break down of the developed area in percentage terms is set out in the following table:

PROPOSED BUILDINGS

PROPOSED SITE DATA		Site Area 9,165 m²
AREA	PROPOSED FOOTPRINT	% OF SITE
Place of Worship	1,070.00 m ²	11.67%
Community Centre	430.00 m ²	4.69%
Courtyard Roof	149.00 m ²	1.63%
Total	1,649.00 m ²	17.99%
Buildings (POW + CC)	1,649.00 m ²	17.99%
Roads/Paths	3,869.00 m ²	42.22%
Landscaping + Grasscrete	3,647.00 m ²	39.79%
Total	9,165.00 m ²	100%

3.3.5 The following CGI image of the proposal is taken from the perspective of Preston New Road





Elevated View from Preston New Road Looking West



Elevated View from the junction of Preston New Road & Billinge End Road South

- 3.3.6 The Mosque will cater for the traditional 5 prayers over the course of a day, ranging from early morning to late evening.
- 3.3.7 The Community Centre will be available to host a range of training and conference events within proposed meeting rooms. It is submitted that hire of the facilities will be on a non-profit / charitable basis.
- 3.3.8 The Community Centre will also host supplementary education for children, on weekday evenings between 17:00 and 19:00. During prayer time, all other rooms in the Mosque and Community Centre will be empty.
- 3.3.9 No wedding celebrations are to be held either in the Mosque or the Community Centre. Weddings at the venue will be limited to the Religious Registration, typically attended by a handful of close relatives, for a duration of

approximately 30 minutes. Celebrations / parties thereafter would be at a hired venue elsewhere.



Elevated View from the junction of Billinge End Road & Buncer Lane Looking East



Elevated View from the junction of Billinge End Road & Buncer Lane Looking East

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications 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
- CS11 – Facilities and Services
- CS13 – Environmental Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS21 - Mitigation of Impacts / Planning Gain

3.3.4 Local Plan Part 2 (LLP2)

- 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
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 39 – Heritage

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (The Framework) (2019)

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

3.4.2 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of development
- Heritage impact
- Amenity impact
- Environmental impact
- Highways and access

- Design / Character and Appearance
- Planning Gain

3.5.2 Members are advised that the existing buildings could be converted into a place of worship under permitted change of use rights afforded by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and the Town and County Planning (General Permitted Development) (England) Order 2015. This is an important material consideration, particularly with reference to assessment of noise and highway impacts, which should be considered in the context of this genuine 'fall-back' position. This is most recently confirmed by the Court of Appeal in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314.

3.5.3 It is further established in case law that the prospect of converting existing buildings (in this case) does not have to be a 'real prospect', nor does it have to be probable or likely; a mere possibility will suffice.

3.5.4 Principle

None of the existing buildings on the site are heritage assets, designated or otherwise. Further detail in this regard is set out in the following heritage assessment. The principle of demolition is acceptable.

3.5.5 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth'.

3.5.6 Policy CS11 supports expansion and enhancement of public services and facilities in accessible locations.

3.5.7 Local Plan Part 2, Policy 1, confirms the urban boundary to be preferred location for new development.

3.5.8 The Framework, at section 11, explains that decisions should promote an effective use of land, including meeting the need for uses other than housing, and that they should give substantial weight to the value of using suitable brownfield land within settlements for identified need. Although 'need' is not considered a material consideration, the applicants supporting statement does address the issue, thus:

The new proposal, like the existing use is also providing community services in the form of a Place of Worship & Community Centre and is intended to meet religious and other non-religious needs of the local Muslim and non-Muslim community in the locality.

The new facility and in particular the Place of Worship, will provide a dedicated provision for ladies and children a much needed facilities which are not catered for in the local area.

A desire to provide much needed prayer and other facilities for Women and Children as well as to cater for the wider local community

irrespective of their race, creed, colour, gender and religion is the driving force behind the proposed scheme.

Due to the cultural diversity of the area and in particular, the continuing desire of the local Muslim Community to remain in the locality because of community networks, the proposed use is intended to serve the local users.

There is a great need to reform Place of Worships & Community Centres, not only in terms of introducing better governance, but also in terms of taking ownership of dealing with the real and difficult issues facing the communities they serve.

This new replacement facility will endeavour to tackle some of the social exclusion and integration issues currently plaguing society and will be a model for other cities.

All the facilities within the replacement Place of Worship & Community Centre will be open to the local community irrespective of their creed, colour or religion and indeed the local Muslim community welcomes the involvement of the local community for the benefit of integration and better understanding of cultural and religious needs of each other.

The Community Centre will be made available for the local community as well as serving as a focal meeting point for meetings and other events for local councillors, the health authority and others such as social services and housing etc.

The development as a whole is intended to contribute to the Principles for Inclusive Society and Equal Opportunities for all members of society irrespective of their creed, religion or colour.

The proposal will contribute to the community regeneration needs of the area whilst also providing a purpose-built facility offering greater quality of services to meet future needs. The new development represents a very strong social and community benefit to the local community.

The proposal is therefore intended to meet the needs of the local community as well as providing facilities for women, girls and to meet the needs of the growing local Muslim population in the area.

There are other similar facilities within 2km of the application site and as such, this proposal is intended to meet the needs of its local community who may otherwise travel to other facilities outside the locality.

- 3.5.9 It is submitted that the majority of people who will be using the facility will be drawn from the immediate vicinity, within walking distance of between 500 and 1000 metres.

3.5.10 The Framework also directs that Local Authorities 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. It is noteworthy that the proposal accords with the strategic principles of the Government's *Improving Opportunity, Strengthening Society: The Government's Strategy to Increase Race Equality and Community Cohesion* and Communities and Local Government Guidance *Preventing Violent Extremism Pathfinder Fund*.

3.5.11 Accordingly the principle of the development is found to be acceptable, in accordance with the Development Plan and The Framework.

3.5.12 Heritage

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. It states the following:

3.5.13 Conservation areas – Section 72(1):

In undertaking its role as a planning authority, the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

3.5.14 In relation to conservation areas, decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

3.5.15 Policy CS17 requires development to take advantage of opportunities to integrate with and promote the Borough's cultural assets. These assets include but are not limited to features signifying the history of the borough and cultural facilities. New development should be designed with the building or features as a focus, including strengthening the 'urban grain' created by historic buildings.

3.5.16 Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.17 The Framework directs LPA's to take account of:

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

3.5.18 P.193 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

3.5.19 P.196 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.5.20 Although the site lies outside of the Revidge Conservation Area (CA), the Council's Heritage consultee recognises the key issue for consideration is whether the proposed development will harm the setting of the CA, the character and appearance of which is derived from modest traditional and Victorian stone and brick two-storey terraces. Victorian villas set in large landscaped plots, also feature on the fringe of the Conservation Area.

3.5.21 The concept design of the proposed buildings is mainly of contemporary Islamic architecture, having arched windows / shrouds and fenestration, with external materials including large format natural stone, a gold copper dome and slender aluminium windows. The proposed Mosque is located centrally and will be two-storeys high, flanked by two rectangular wings that form a courtyard enclosure. The courtyard will be surrounded by a colonnade of arches, encompassing the access to the place of worship (on the north-east elevation), complete with two symmetrical minarets and a dome. Located to the rear in the south-east corner of the site is the proposed Community Centre building. Detached from the main building, it will sit slightly lower, due to the site topography. A rectangular building, the design concept is much simpler in plan form and four-storeys high, with similar contemporary Islamic architecture, with lesser emphasis on the Islamic features, particularly on the south-west elevation (Buncer Lane). The main entrance is located on the north-east elevation, fronting Preston New Road. In terms of mass and scaling, the community centre will be subservient to the main Place of Worship.



Closer View of the main Courtyard Entrance



Closer View from the Western corner of the Upper Carpark Looking South

3.5.22 Whilst the current site, in part, illustrates some aspects which are common to the Revidge CA (i.e. large late Victorian Villas), it is considered that the typical character of the CA is dominated by the smaller domestic terraced and detached housing along Revidge Road. Moreover, the current buildings on site are substantially altered with a large car park to the front and provide little or no contribution to the setting. In this context, no objection is offered to the proposed demolition and redevelopment of the site.

3.5.23 Although the proposal involves visually prominent buildings of a design that will result in a significant change the appearance of the site, they remain set back off the road and in overall scale terms will not dominate their surroundings. The four storey community centre building is set well back and will be viewed in set behind the main building. In this context the scale from the road frontage will be diminished.

3.5.24 Properties on the opposite side of Preston New Road are elevated and are set behind mature trees. The substantive part of the CA along Revidge Road remains visually detached and has no relationship to the site.

3.5.25 Given that the current site contributes little to the significance of the Revidge CA whilst the visual change along Preston New Road will be marked this does not translate into harm to the setting of the CA

3.5.26 Therefore, in consideration of the requirements of s.72(1) of the P(LBCA) Act 1990, the proposal would not cause any discernible harm to the contribution made by the setting on the significance of Revidge Conservation Area and as such will meet the statutory test 'to preserve' as laid out under the 1990 P(LBCA) Act. The proposal meets the objectives of Chapter 16 of the NPPF and conforms to Policy CS17 (Built and Cultural Heritage) and Policy 39 of the Local Plan Part 2.

3.5.27 The Grade II Listed St Silas Church, positioned circa 110m to the east on the opposite side of the Preston New Road, is also recognised in the heritage

assessment. The proposal is not considered to harm the setting of the listed building by reason of the relative detachment of the two sites and defining urban characteristics of the area.

3.5.28 The proposal is found to be in accordance with the Policies CS17 and 39 Development Plan and The Framework.

3.5.29 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area, as well as securing satisfactory levels 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.

3.5.30 Relationship Between Buildings:

No amenity concern arises from the relationship between the proposed Mosque and Community Centre and neighbouring dwellings to the south and Residential Care Home to the east, with reference to outlook, dominance, privacy and daylight / sunlight admissions. Separation distances between elements of the proposed buildings and neighbouring properties are set out below:

Building Name	Minaret (Worst Case)	Dome (Worst Case)	Façade Place of Worship	Façade Centre
Properties - Billinge End Road	47.700 m	52.100 m	41.700 m	65.600 m
Properties – Buncer Lane	62.000 m	45.400 m	37.100 m	41.350 m
Springfield Care Home	53.100 m	47.125 m	39.350 m	11.300 m

3.5.31 It should be acknowledged that the 11.3m separation specified between the façade of the Community Centre and the nearest side elevation of the Care Home is not a direct interface and that it involves a blank (windowless) elevation of the Centre and a Care Home elevation featuring windows serving only circulation space, rather than habitable room windows.

3.5.32 Separation is, therefore, broadly in accordance with the Council’s adopted minimum standards.

3.5.33 Noise:

Noise arising from the proposal is an important consideration, to adequately safeguard residential amenity. Members are, however, reminded that assessment in this regard should be in the context of the ability to convert the existing buildings into a Place of Worship – the ‘fall-back’ position – and noise levels arising from the existing, lawful use of the site as school.

3.5.34 A Noise Assessment (the Assessment) is submitted with the application, which has been reviewed by the Council’s Public Protection consultee. Assessment is mainly focussed on external noise sources generated by comings and goings within the car park. It is accepted that no harmful internal

noise emissions will arise. Although the Assessment takes account of potential external noise sources from the car park, including vehicle doors, speech, audio systems and anti-social behaviour, it does not highlight the need for specific noise mitigation measures. Instead, it predicts tolerable outcomes within an area dominated by background traffic noise from local main roads.

3.5.35 Notwithstanding the above, additional noise assessment specific to impacts upon residents of the adjacent Springfield Care Home has been requested by Public Protection, to evidence the impact of evening and night-time use of the car park (19:00hrs – 07:00hrs). Particular concern is cited towards noise arising from car door slamming. The current assessment addresses this issue thus:

It is our firm view that door slamming is infrequent in nearly all situations. It cannot be said never to happen, but it should not be taken as normal. The method of calculation is described in Section 4. (CadnaA modelling software which calculates noise propagation based on the processes of ISO 9613 :Acoustics – Attenuation of sound during propagation outdoors).

Normal door opening and closing is calculated to give worst case 1 hour night time levels at the houses of 16 dB LAeq and 44 dB LAm_{ax}, assuming a direct line of sight. The existing dB LAm_{ax} levels are around 9 dB higher than this, even at the quietest time of night. To equal them the doors would have to be slammed with 10 times the energy used in the calculations and this would need to occur regularly through the night before it would be a problem.

3.5.36 Members are advised that submission of this additional assessment during the night-time is not necessary, having regard to the fall-back position, background noise levels arising from traffic along the main roads and bedroom windows of the Care Home directly facing either Preston New Road or internally into the Care Home grounds. Those bedroom windows that directly overlook the courtyard of the Care Home, but face the application site, do so at a distance of circa 35m. That the proposal includes a place of worship should also be a consideration in determining noise outcomes, in the sense that it would be reasonable to assume that peoples behaviours would be modified to respect their surroundings. In this context, the site is not considered comparable to community uses such as wedding venues or Public Houses. Nonetheless, Public Protection offer some concerns to the proposal on noise grounds, though they do acknowledge that assessment of noise is considered in the overall planning balance, having regard to the material circumstances set out above which way in favour of the proposal.



Closer View from Springfield Care Home and the Lower Carpark Looking North-West

3.5.37 Members are further advised of the availability of statutory noise nuisance powers to the Council's Public Protection team to address noise nuisance, in accordance with the provisions of the Environmental Protection Act 1990.

3.5.38 Notwithstanding the above, a car park management plan is to be secured by condition. The Plan will define parking bays that shall be unavailable for use during noise sensitive hours of between 19:00 and 07:00 – ie bays in proximity to the Care Home.

3.5.39 A condition prohibiting 'call-to-prayer' is to be applied, in accordance with the Council's standard approach.

3.5.40 Accordingly, it is considered that refusal of the application for reason of unacceptable noise generation is unwarranted.

3.5.41 Lighting:

An assessment of light spill and glare arising from proposed column mounted lighting, bollard lighting and wall mounted lighting has been undertaken by the Council's Public Protection Consultee. It is agreed with the applicant that a condition will secure a limit on the level of glare emission, in order to meet residential amenity standard.

3.5.42 Contaminated Land:

Public Protection also recommend application of the Council's standard pre-commencement contaminated land condition, to guard against potential threat of sub-surface contamination towards users of the development. The condition is, however, considered unnecessary given the pre-existing sensitive school use and absence of any historic recording of contaminants. Moreover, in contrast to the existing circumstances, the majority of the outdoor space surrounding the proposed buildings will be hard surfaced. Instead, application of the Council's standard condition relating to the discovery of unexpected contamination is considered reasonable. This will require the developer to cease work and report their findings to the LPA, if contamination is discovered during construction works, in order that a remediation strategy can be agreed.

3.5.43 Construction:

Conditions limiting hours of construction and adherence to the submitted Construction and Environmental Management Plan (CEMP) will be applied.

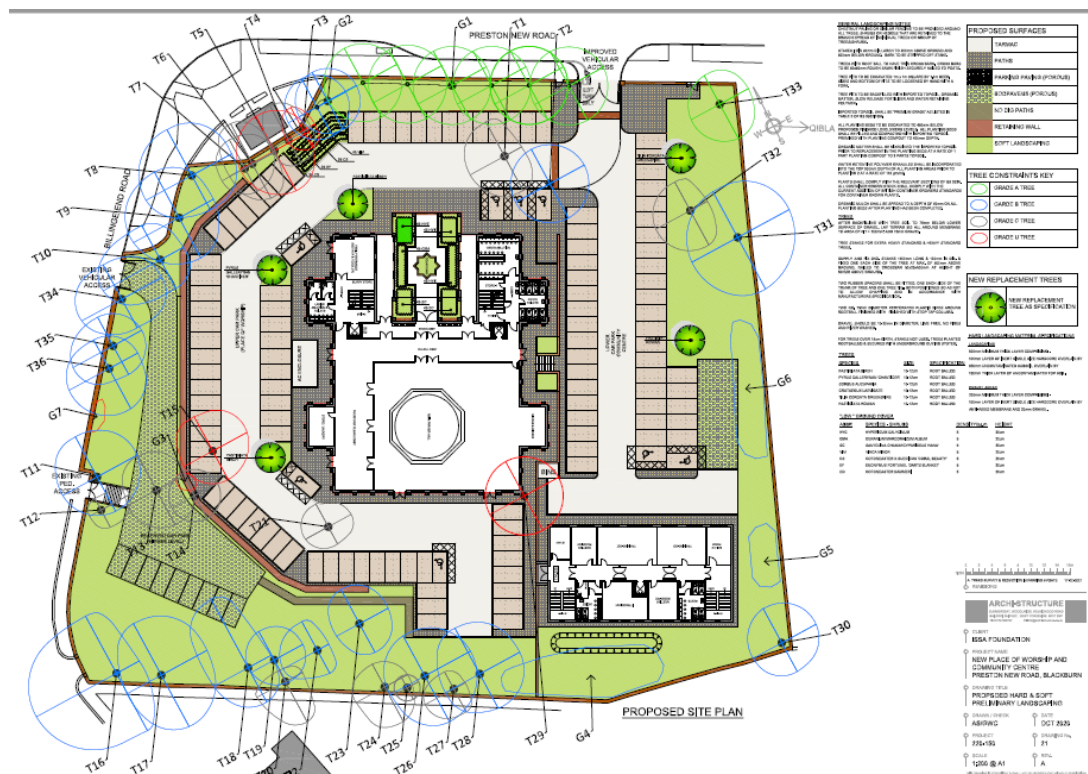
3.5.44 Accordingly, no excessive public amenity impacts are considered to arise from the proposal, in accordance with Policy 8 of the Development Plan and The Framework.

3.5.45 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.46 Trees:

The application site is characterised by mature trees, protected by the Preston New Road Area Blackburn Tree Preservation Order 1991, aligning much of its perimeter. An Arboricultural Impact Assessment is, therefore, submitted with the application, which has been reviewed by the Council's Arboriculture Consultee.



Extract from proposed landscaping plan received 18th February 2021:

3.5.47 The total number of trees originally proposed to be removed is 16, the majority of which are 'Category C'; defined as 'trees of low quality'. An additional 4 trees and 2 groups are proposed to be removed due to their poor condition. Removal of the category C trees and those in poor condition is accepted.

3.5.48 4 of the 16 trees are considered 'Category B', defined as 'trees of moderate quality'. An amendment to the car parking layout, reducing the number of bays to 129, secures the retention of 2 of these trees. A total of 14 trees will, therefore, be lost, with only 2 categorised as offering moderate value. Planting of 4 replacement trees will, however, be secured at alternative locations, as part of a site wide hard and soft landscape strategy

3.5.49 Although a degree of policy conflict arises from the loss of some protected trees, their loss is partially mitigated by replacement planting. Consequently, no objection is offered from the Council's consultee, subject to adherence to robust tree protection measures throughout demolition and construction phase of the development, by means of hand digging within root protection zones and erection of protective fencing.

3.5.50 Drainage:

As Lead Local Flood Authority, the Council's drainage consultee offers no objection to the proposal, subject to application of a condition to secure agreement of a sustainable (Suds) foul and surface water drainage scheme.

3.5.51 Ecology:

An Extended Phase 1 Habitat Survey, including a Daytime Bat Survey is submitted with the application. The survey's have been reviewed by the Council's Ecology consultee who agrees with their findings - that the site supports a number of buildings and trees of negligible value to bat roosting and that the surrounding habitats within the site are of only local and in part limited value to biodiversity.

3.5.52 It is recommended that vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoided during the bird breeding season (March – August inclusive), unless it can be demonstrated that there is no nesting activity present (all wild birds are protected whilst nesting (Wildlife & Countryside Act 1981). This should be secured by condition.

3.5.53 In view of the presence of some Invasive Non-Native Species including Himalayan Balsam, Montbretia, Cotoneaster and Rhododendron, an informative will be applied to advise of appropriate disposal.

3.5.54 Biodiversity enhancement will be achieved via implementation of soft landscaping which will be secured by condition.

3.5.55 The sustainability credentials of the development should be recognised as an environmental gain to the existing school. These include the following design integrations:

- Provision of a green living roof;
- Use of a sustainable urban drainage system, including permeable
- Construction from materials designed to absorb, store and release heat, thereby providing passive ventilation and avoiding the need for air conditioning;
- Effective use of windows for natural light and ventilation; and

- Use of energy efficient boilers, light fittings etc. as well as LZC equipment.

3.5.56 Accordingly, no significant environmental impacts are considered to arise from the proposal, in accordance with Policy 9 of the Development Plan and The Framework.

3.5.57 Highways

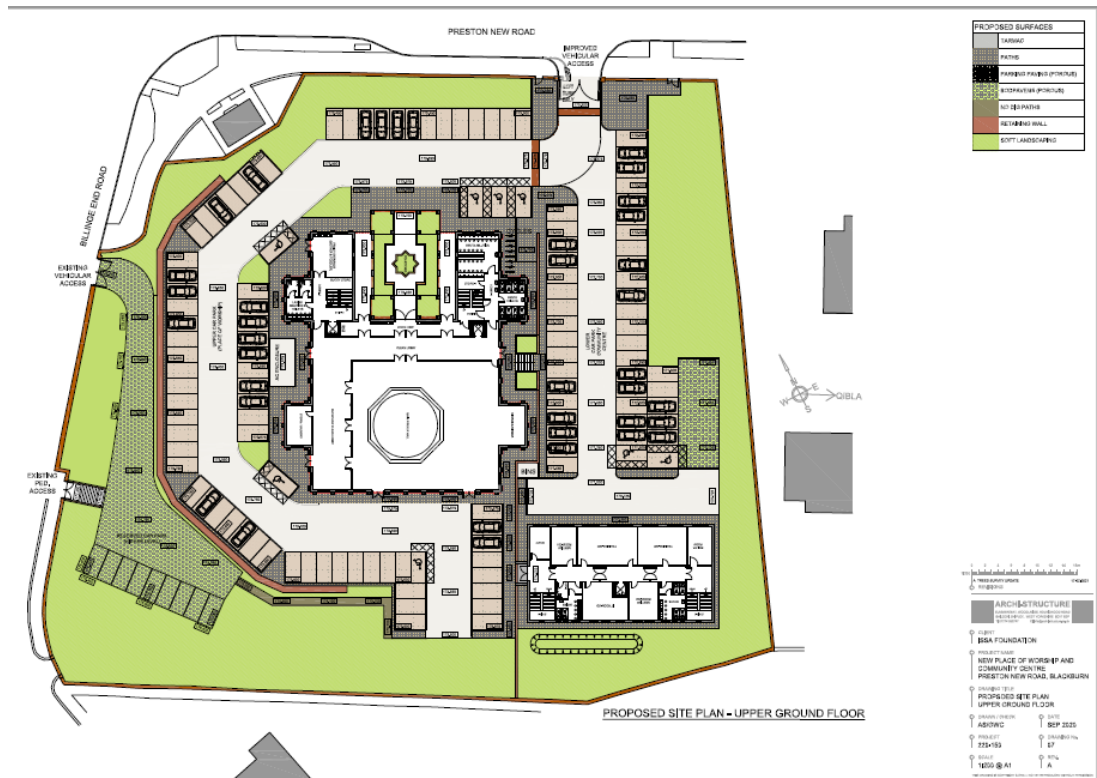
Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.58 A Transport Statement (TS) is submitted with the application which has been reviewed by the Council's Highways consultee.

3.5.59 Parking:

129 parking bays within the site are proposed (including 8 disabled). The proposed floor area occupied by the buildings of 1649 square metres (Mosque - 1219sqm, Community Centre – 430sqm), as stated in the Planning Statement, equates to an allowance of 165 bays, when assessed against the Council's adopted standards. Whilst the shortfall is recognised, the sites sustainable location, on a frequent public transport route, weighs in favour of the proposed parking allowance. As does the ability to convert the existing buildings into a place of worship without additional on-site parking provision than currently serves the site. It should also be acknowledged that the parking ratio proposed is significantly above the provision for Mosques of a similar scale elsewhere within the borough. To gain a perspective in this regard, the applicant offers up the following comparison table, which sets out on-site parking provision for similar developments that they have been involved with elsewhere in the country:

Building	LPA	Prayer Area	Parking Spaces
Sultania Mosque	Pendle Borough Council	930 sq. m	11 (1 in 84 sq. m)
Al-Emaan Islamic Centre	Sheffield Council	715 sq. m	50 (1 in 14 sq. m)
Dawat-E-Islami	Leeds City Council	517 sq. m	10 (1 in 51 sq. m)
North Manchester	Manchester City Council	1,450 sq. m	122 (1 in 13 sq. m)
Raza Mosque	Hyndburn Council	1,307 sq. m	69 (1 in 19 sq. m)



Extract from proposed amended site plan received 18th February 2021:

3.5.60 Cycle spaces are also proposed.

3.5.61 Whilst the Community Centre will also host supplementary education for children, on weekday evenings between 17:00 and 19:00, during prayer time, all other rooms in the Mosque and Community Centre will be empty.

3.5.62 No wedding celebrations are to be held either in the Mosque or the Community Centre. Weddings at the venue will be limited to the Religious Registration, typically attended by a handful of close relatives, for a duration of approximately 30 minutes. Celebrations / parties thereafter would be at a hired venue elsewhere. Such limitation will be secured via condition.

3.5.63 A Car Park Management Statement confirms that car parking will be marshalled, as required, and that Madressa drop off and pick up will be appropriately undertaken within the site.

3.5.64 It is important to recognise the benefits of formalised site contained parking, drop-off and pick-up arrangements. This is in contrast to the previous circumstances associated with the school which included significant levels of street congestion arising during hours of parental drop-off and pick-up. It should also be recognised that such circumstances could again arise in the event of an educational use being reintroduced to the site without the need for planning permission and a consequent inability to impose control measures.

3.5.65 Accordingly, the overall parking and manoeuvring arrangements within the site are deemed to be acceptable. This includes parking bay dimensions that accord with the Council's adopted standard.

3.5.66 Submission of a Travel Plan is recommended via condition. This is, however, considered unnecessary, given the parking capacity proposed and the highly

sustainable location of the site, which benefits from public transport links along the Preston New Road corridor. In this context, the applicants cite their policy of encouraging members to travel on foot under “A Healthy Living” remit. As part of their religious beliefs, the congregation sees walking to their place of worship as an important part of the ritual.

3.5.67 The existing main access off Preston New Road will serve the development. Although a pre-existing access that served the school, its sub-standard width is recognised. The site layout, therefore, proposes an increase in width to allow two-way passage. These changes to the highway network, which should include demonstrated sight lines, will be agreed with the Highway’s Authority under a Section 50 Agreement and via condition.

3.5.68 A pre-existing secondary access from Billinge End Road will also be utilised, envisaged to serve 9 parking bays. Although concern is raised as to the gradient of the access and sub-optimal sight lines, as an existing secondary access previously heavily used in association with the school, the requested changes are considered unreasonable.

3.5.69 Independent pedestrian access from the public highway off Preston New Road and Billinge End Road is appropriately provided. Legible pedestrian routes are also included within the site.

3.5.70 Details of proposed gates to the points of access, including their opening and closing mechanism is to be secured via condition.

3.5.71 Although no council refuse vehicle swept path analysis has been provided, it is accepted that refuse collection will be privately managed.

3.5.72 Impact on the wider local highway network is discussed in the submitted TS, with particular reference to the four arm signalled junction at the Preston New Road, Billinge End Road and Revidge Road. In order to mitigate such impact, the applicant has agreed to a financial contribution of £30,300 towards a Microprocessor Optimised Vehicle Actuation (MOVA) traffic control strategy, to maximise the operational efficiency of the junction / crossing at Preston New Road, Revidge Road and Billinge End Road. Tactile paving will also be provided for the uncontrolled crossing on the east bound side of the junction on Preston New Road. The contribution will be secured via a Section 106 Agreement.

3.5.73 The aforementioned CEMP will manage the demolition and construction phase of the development, guarding against adverse highway impacts including deposition of debris onto the carriageway.

3.5.74 Accordingly, no significant highway impacts are considered to arise from the proposal, in accordance with Policy 10 of the Development Plan and The Framework.

3.5.75 Design / Character and Appearance

Policy CS16 requires new development to be of a high standard, particularly in prominent locations including transport gateways.

- 3.5.76 Policy 11 requires a good standard of design that will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.
- 3.5.77 Design of the buildings is derived from contemporary Islamic architecture, defined by arched windows and fenestration with 2 minarets and a dome.
- 3.5.78 The design and appearance will contrast with the established character of the wider area, as is not uncommon for religious and community buildings. It would be reasonable to conclude that the contrast emphasises the significance of the buildings.
- 3.5.79 The dominant elevational material proposed is smooth faced ashlar which is the finest stone masonry, capable of being precisely cut so as to visually bond with adjacent stones with very thin joints in between. These material reflects the natural stone prevalent on a number of traditional buildings in the locale, including Saint Silas' Church. A gold dome sits in the centre of the Mosque, fabricated from rolled copper. More modern interventions within the design include dark grey tinted windows and rain water goods. A detailed Materials Schedule supports the application, adherence to which will be secured via conditioned.
- 3.5.80 As with the heritage assessment, impact on character and appearance should be considered against the adjacent Revidge Road CA. The CA extends to the junction of Revidge Rd and Preston New Rd, that being the point at which its defining characteristics diminish and transition into more varied and less traditional built forms, absent of prevailing character in a relative sense. Considered in this context, the introduction of the proposed buildings will pose no harm to street character. Instead, it is considered that they will be read as stand-alone, cultural landmark features adding variety to the urban landscape.
- 3.5.81 Whilst the buildings will be visually prominent, it is important to recognise their central position within the site, set well back from the highway, and the retention of mature trees along Preston New Road and Billinge End Road which assist in softening their appearance and integrating them into the street scape. Moreover, the frontage to Preston New Road will be an active 'Public' front.
- 3.5.82 Introduction of a range of coloured and textured sustainable / porous forms of hard landscaping are proposed. A detailed landscape strategy to provide low level shrubs and replacement trees will supplement existing soft landscaping, aiding to soften and integrate the development. This will be secured via condition.
- 3.5.83 Accordingly, the design of the development and its impact on the street character is considered acceptable, in accordance with Policy 10 of the Development Plan and The Framework.

3.5.84 Planning Gain / Section 106 Financial Contributions

A financial contribution of £30,300 (including £300 monitoring fee) is secured towards:

- A Microprocessor Optimised Vehicle Actuation (MOVA) traffic control strategy, to maximise the operational efficiency of a junction/crossing at Preston New Road, Revidge Road and Billinge End Road; and
- Tactile paving for the uncontrolled crossing on the east bound side of the junction on Preston New Road.

3.5.85 All monies to be paid prior to commencement of development.

3.5.86 The clawback period for unspent sums should be 5 years.

3.5.87 Summary

This report assesses the full planning application for the Demolition of school buildings and erection of new place of worship and community centre, including associated car parking landscaping, gates to existing points of access from the public highway and widening of a vehicular access. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.88 In taking account of these material considerations, the assessment demonstrates that planning permission should be granted when balancing the merits of the proposal against any potential harm that may arise from its implementation. This report concludes the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

4 RECOMMENDATION

4.1 Approve subject to:

(i) **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £30,000; plus a monitoring fee of £300. Payment is towards:**

- **A Microprocessor Optimised Vehicle Actuation (MOVA) traffic control strategy, to maximise the operational efficiency of a junction/crossing at Preston New Road, Revidge Road and Billinge End Road; and**
- **Tactile paving for the uncontrolled crossing on the east bound side of the junction on Preston New Road.**

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Place will have delegated powers to refuse the application; and

The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 4th November 2020 and with the following drawings / plans / information: (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external elevations / facades of the buildings hereby approved shall be constructed in accordance with the submitted materials schedule received 15th February 2021, produced by Archi-Structure and titled Façade Materials Pallet.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. The external hard surfaces shall be constructed in accordance with the submitted materials schedule received 15th February 2021, produced by Archi-Structure and titled External Surfacing Materials Concept.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5. The development hereby approved shall be implemented in strict accordance with the landscaping scheme received 18th February 2021, produced by Archi-Structure and titled Proposed Hard and Soft Preliminary Landscaping. Planting shall be carried out during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of visual amenity and biodiversity, in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Should gates be installed to the vehicular and pedestrian points of access, prior to first occupation or use of the development hereby approved, their elevation detail and opening / closing mechanism shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved detail.

REASON: To ensure that the external appearance of the development is satisfactory and in the interests of highway safety and efficiency, in accordance with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

7. Prior to first occupation or use of the development hereby approved, a floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail mitigation measures to protect the surrounding area from excessive light intrusion and glare. The scheme shall be implemented in strict accordance with the approved detail for the duration of the approved development.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Prior to first occupation or use of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall define the parking bays that are to be unavailable for use during noise sensitive hours of between 20:00 and 08:00. The approved plan shall be adhered to for the duration of the operational use of the development hereby approved.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

10. Demolition and construction work shall only take place between the hours of:
08:00 - 18:00 Monday to Friday; and
08:00 - 13:00 Saturday.
No work shall be carried out on Sundays or Bank Holidays.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

11. Tree removal shall be in strict accordance with the submitted Arboricultural Report (BS 5837:2012), produced by dep Landscape Architecture, dated December 2020 and updated February 2021.

REASON: Trees represent a public benefit by way of visual amenity and their loss should be limited and mitigated thereafter, in accordance with Policies 9 and 40 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

12. Excavation works within the root protection areas of trees and tree groups identified in the Arboricultural Report (BS 5837:2012) as G1, T8, T9, T10, T22, T23, T24, G4, G5, G6, T33 & T34, shall be by hand only, as supervised by a specialist Arboricultural Consultant, in accordance with the submitted Arboricultural Report (BS 5837:2012), produced by dep Landscape Architecture, dated December 2020 and updated February 2021.

REASON: Trees represent a public benefit by way of visual amenity and should, therefore, be retained and protected at all times whenever possible, in accordance with Policies 9 and 40 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of any works on site, the following tree protection measures shall be implemented, in strict accordance with the methodology set out at 6.8 of the submitted Arboricultural Report (BS 5837:2012), produced by dep Landscape Architecture dated December 2020 and updated February 2021.

- Remedial tree works carried out in accordance with this report and by a competent and fully insured arboricultural contractor and in accordance with BS 3998:2010;
- Erection of Tree Protective Fencing in accordance with the Method Statement and plan at Appendix F and to be checked by the appointed arboriculturalist before commencement of works; and
- Demolition of current buildings retaining as much hard surfacing located within the RPAs of retained trees as possible.

Protection measures shall remain in place for the duration of site clearance, demolition and construction works. The removal of Protective Fencing is only permitted with the agreement of a competent arborist or the LPA.

REASON: Trees represent a public benefit by way of visual amenity and should, therefore, be retained and protected at all times whenever possible, in accordance with Policies 9 and 40 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

14. If demolition works do not commence by February 2022, an updated Bat Survey shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures identified shall be carried out in strict accordance with the approved detail.

REASON: To ensure the protection of Bats, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

15. No site clearance or demolition works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

16. Prior to the commencement of the development hereby approved, with the exception of site clearance, demolition and ground works up to finished land levels, a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. Prior to first occupation or use of the development hereby approved, a scheme for the construction of the site access, including demonstration of sight lines, from Preston New Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior first use of the development.

REASON: To provide for the safety and convenience of users of the highway, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

18. Prior to first occupation or use of the development hereby approved, the car parking area shall be fully marked out and cycle stands shall be provided, in strict accordance with the approved plan titled Proposed Site Plan Lower Ground Floor, numbered: 220-150 06 Rev A. The layout shall be retained for the duration of the approved development.

REASON: In order to a defined and functional car parking area, in the interests of highway safety and efficiency, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

19. There shall be no wedding celebrations held within the site. Wedding functions shall be limited to 'Religious Registration'.

REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

20. There shall be no externally audible "Calls to Prayer" from either building hereby approved or from within any other part of the application site at any time.

REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5 PLANNING HISTORY

- 5.1 No relevant planning history exists for the site.

6 CONSULTATIONS

- 6.1 Public Protection

Residential Amenity Noise Impact (Ref: Acoustics Report: Ref: ARR/C/3311.01 dated 15th Feb, 2021)

We have reviewed the aforementioned assessment of noise impact of the proposed development.

The acoustic report concludes that generally there will be little acoustic impact.

However, we are not fully in agreement with this and we do feel that more assessment could have been done relating to the impact from the use of the

proposed car parking areas upon neighbouring existing uses such as Springfield Care Home, in particular during the night-time period.

There are concerns that there will be an impact at times as people arrive and leave the Mosque, particularly with the early and late prayer times in the summer months.

It is possible that there would only be limited mitigation available to address this issue due to the proximity and sensitivity of surrounding uses, statutory nuisance procedures would be ineffective for this reason.

We understand that planning have to take a balanced view in their full assessment having regard to all the material considerations of the application.

6.2 BwD Drainage

No objection, subject to a condition requiring submission of sustainable foul and surface water drainage scheme.

6.3 BwD Conservation Officer

Comments set out in main body of report: No objection – no harm arises to the setting of the Revidge Road CA.

6.4 BwD Arboriculture Officer

No objection:

The total number of trees to be removed to facilitate the proposals is 16, most of which are C category, but there are also 5 B category trees. There is a further 4 trees and 2 groups that are to be removed due to poor condition.

The concern is that the proposed development could have an impact on G1, T8, T9, T10, T22, T23, T24, G4, G5, G6, T33 & T34 due to development being within their Root Protection Areas (RPA), although some of this is existing hard standing so hopefully any root disturbance should be minimal. If we can point out that the works proposed within the RPA will need to be hand dug and ideally overseen by their Arb Consultant, that would be appreciated.

It must be said that there appears to be 2 B category trees proposed for removal purely for car parking spaces. The trees, a large London Plane (T26) and a large Cherry (T28) are at the rear of the site and back on to the residential properties along Buncer Lane. It would desirable for these trees to be retained and the 2 or 4 car parking spaces found elsewhere on the site.

It is crucial that we point out the importance of working in accordance with the submitted AR. Fencing needs to be in place prior to the demolition of the existing buildings and care and attention must be paid to roots and branches of the trees to be retained. The AR states: 6.2 Demolition of Existing Property Prior to any works the tree protective fencing as mentioned below shall first be placed in the position as shown on the plan of Appendix F for the purpose of protecting the trees during demolition and construction.

The AR also states: “5.2.6 There is a retaining wall to be built Close to T9 and T10 plus the entrance surfacing appears to be closer to T10 than existing. A new path is to be installed near T23, which appears lower than the existing ground level but it may be possible to alter this”?

We will need to condition a detailed landscaping scheme that mitigates the loss of the trees and you might want to add a note about tree removal works taking place outside of the bird nesting season, March – August.

The AR also concludes with a summary of works:

6.8 Summary of Methodology for the Protection Trees

1. Remedial tree works carried out in accordance with this report and by a competent and fully insured arboricultural contractor and in accordance with BS 3998:2010.
2. Erection of Tree Protective Fencing in accordance with this Method Statement and plan of Appendix F and to be checked by the appointed arboriculturalist before commencement of works.
3. Demolition of current buildings retaining as much hard surfacing located within the RPAs of retained trees as possible.
4. Construction of development.
5. The removal of Protective Fencing is only to be done with the agreement of a competent arborist or the LPA.
6. New landscape scheme including tree planting.

It is paramount that all the measures stipulated within the AR are put in to practice so not to have an overly detrimental effect on the trees and the amenity of the area.

6.5 BwD Cleansing
No objection.

6.6 BwD Highways
No objection:

The proposal received is for Demolition of school buildings and erection of new place of worship and community centre.

The property is located off a primary highway network which is deemed as a classified highway. The applicant has provided 129 parking spaces, to serve all uses proposed on site. Throughout the application that are varying number of floor area suggested. It is unclear what the exact footprint is. I have for the purposes of the application taken the proposed footprint from the Planning, Design & Access Statement which is: (buildings) Place of Worship & CC/Courtyard = 1649sqm which would equate to an allowance of 165 car parking spaces. The number of spaces when taking into account the sustainability of the site is deemed acceptable.

The provision for disabled bays is however substandard, this should meet the required 10% .Please seek adjustments to the layout/condition accordingly.

Cycle's spaces have been accommodated with the site, this is acceptable, however no details have been received on how they will be covered and secured. No provision for PTW's is included in the layout. Please condition.

The overall layout of the car park conforms to the council's standard parking bays and manoeuvring areas.

A car park management plan has been received in support of the application. This statement sets out good principles of marshalling (which is welcomed). It is also confirms that madressa parking for drop off and pick up will be undertaken within the site.

The plan also refers to a:

Provision of a drop-off point where cars are only going to remain for a few minutes.

No evidence of where this is to be located is evidenced on the plan received. Please seek further details.

In order to understand and support sustainability by other modes of transport, we would advise that a Travel Plan be conditioned to the application.

Access

Vehicular access into the site is to be taken from two points of existing entry from the highway.

*The main access will be from **Preston New Road**, the width is not sufficient to allow two way entry, this has been noted by the applicant, who proposes to widen out the entrance point to facilitate this. Any changes to the highway network would need to be in agreement with the Highway Authority (please attach Condition 1)*

*The second access is to be taken from **Billinge End Road**. There is a single width opening, which is to serve 9 car parking spaces. The current access falls into the site, and we would advise for both safety and egress, that a level plateau is set out. The sightlines are substandard and would therefore benefit from a portion of the wall being splayed back to improve visibility.*

No details of Vehicles sightlines have been provided at any of the access points, please request this to be submitted or conditions accordingly (Condition 2, 3)

Pedestrian access separate from the vehicle access are also available from both networks, this is welcomed.

Gates are noted on the latest plan, these should be set out at least one car length in from the back of highway, to ensure that the highway is not obstructed at any time, whilst the gates are being opened.

Further details on the operation of the gates, when it will be opened and closed, further clarification is required.

Servicing

A swept path of a refuse vehicle has been offered. The vehicle would appear to be a smaller size than a 3 axle refuse vehicle. We had requested a full swept path using a 3 axle vehicle, as the council needs to ensure that all vehicles entering the site can do so safely without further recourse to highway safety, therefore fully justified in asking the question. The applicant agent reports back in the TS statement response that they will have a private refuse vehicle collecting waste. This is acceptable.

No details of any servicing needs in association with the mosque and community centre have been highlighted, further details are required on needs, servicing point and frequency. **It is verbally confirmed with the applicant that no servicing needs arising, beyond the need for refuse management.**

Transport Statement

The document received was reviewed, and a subsequent response has been received.

There are number of matters which were outlined that have not been satisfactory responded. Notwithstanding this, we have engaged with the applicant's agent, who has recognised that the highway would benefit with some mitigation works. They have agreed to the following:

The contribution of £30,000 for the installation of a MOVA traffic control strategy to maximise the operational efficiency of a junction/crossing at Preston New Road, Revidge Road and Billinge End Road whilst also provide a contribution to the installation of tactile paving for the uncontrolled crossing on the east bound side of the junction on Preston New Rd.

This is to be secured through a Section 106 Agreement.

Other

A Construction method statement has not been received, they have however provided a Construction Management plan in support of the management of the site from car parking to wheel wash area. I assume this will be followed for the demolition process as well, please confirm. **This is confirmed via email from the applicant.**

Any work undertaken to the Retaining Wall structure adjacent to the highway, would require formal approval from the Highway Authority. No works should commence until this obtained.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, in principle we would offer no objections, subject to the above matters being conditioned and secured.

6.7 BwD Public Rights of Way
No objection

6.8 United Utilities
No response offered.

6.9 Ecology
No objection:

Further to your consultation on the above application, I have considered the proposal and the submitted information: -

- Extended Phase I Habitat Survey to Include Daytime Bat Survey (Rachel Hacking Ecology, 2020 survey 12th October)

I have the following comments to make: -

- The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).
- The survey was conducted in October which is recognised as suboptimal for the majority of surveys and outside the bat activity season. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings.
- The Report concluded that the site supports a number of buildings and trees of negligible value to bat roosting and the surrounding habitats within the site are of only local and in part limited value to biodiversity. A dwelling within the survey site – bordering onto Billinge End Road – was not surveyed for bats, but this property appears not to be part of the current proposal. Therefore the recommendation at section 5.1 is not relevant.
- There is currently no known reason to contradict the findings of the Report and **the application can be forwarded to determination in respect of biodiversity without the need for any further work.**

- *The Report's recommendations at section 5 should be adhered to in relation to: -*
 - *Breeding birds and vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid of the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present (section 5.2). All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981). This should be implemented via a **condition**.*
 - *The Report recorded a number of Invasive Non-Native Species including Himalayan balsam, montbretia, cotoneaster and rhododendron. It is recommended (section 5.3) that a **condition** is attached to any permission if granted to ensure that these species are disposed of in the correct manner prior vegetation clearance.*
- *Best practice (Collins et al 2016) indicates that bat surveys are time limited for 1 – 2 years as the condition of buildings can change over time. If demolition works have not commenced by February 2022 an updated survey should be required and submitted to the Planning Authority including an assessment of change and any new mitigation and/or licensing that may be required as a result of new evidence. This can be implemented via a **condition** attached to any permission if granted.*
- *The Report makes recommendations (section 5.4) in respect of biodiversity enhancement as guided by the NPPF (February 2019, paragraph 175 d)) and it is recommended that further detail, locations and specifications are provided via a condition attached to any permission if granted.*

I hope you find these comments helpful. If you have any queries, please do not hesitate to contact me.

6.10 Lancs. Constabulary

No objection subject to Secured Design advice.

6.11 Public consultation has taken place, with 301 letters posted to the local community; a press notice published 25th November 2020; and display of site notices. In response, 9 objections, 1 representation of support and 1 general comment were received.

7 CONTACT OFFICER: Nick Blackledge – [Senior Planner].

8 DATE PREPARED: 9th March 2021.

9.0 SUMMARY OF REPRESENTATIONS

Objection – J.R. Lowe, 14 Priors Close, Blackburn. Rec – 24/11/2020

Dear Sir,

Am writing to object to the planning application above along with all the residents of Priors Close (18). At the present time we have traffic problems with the relations of Tauhedul school parking illegally on double yellow lines as well as the extra school traffic coming and going on Meins Road. Further traffic problems will definitely occur on the other side of the traffic lights making the main road from Preston and the motorways an absolute nightmare. The number of mosques in the area is very unreal as i know at least three on Preston New Road between town and this address.

Objection – Simon Duckworth, 10 Revidge Road, Blackburn. Rec – 24/11/2020

Good afternoon,

I have received a planning permission application for a new place of worship and community centre, reference 10/20/1048.

My name is Simone Duckworth
10 Revidge road
Blackburn
BB2 6JB

I wish to object to this happening so close to my home, traffic from 8am - 8.30am is so ridiculous in a morning that my place of work is 6 minutes away, and I have to set off 40 minutes before to arrive on time. I already have struggles with traffic because of Preston new road and this is before another building opens and creates more traffic problems throughout the evening. Revidge road is used as a cut through street to preston new road and I don't want to feel I can't leave my home due to being blocked in with traffic.

The parking adjacent to my home on revidge road is horrendous, never any parking spaces and already parents from tauheedul school park in these spaces and wait for their children to meet them, Leaving residents on our street with nowhere to park, if there is a place of worship so close to my home or community centre, it will make parking on my street even worse resulting in residents having nowhere to park, even more so than now.

There are already lots of places of worship on Preston new road and around these areas people park on double yellow lines and make driving past them difficult, I do not want the same for my home.

I am a homeowner and moved away from limbrick due to a place of worship being on my street making leaving my home very difficult at prayer times. I purchased this house because I knew this would not be a problem for me and do not feel it is okay if one is then built without considering the impact this will have on the residents lives living so close by.

I care for my disabled dad, and if ever I should need to get to him in an emergency I am okay for now, but this will effect that if a place of worship and community centre is built here, it shouldn't be possible near a school because the residents living here already have a struggle.

Objection – Alison Shorrocks. Rec – 30/11/2020

Thank you for your letter of 20 November 2020, concerning the above.

My comments are as follows and I apologise for their length.

Traffic

This proposed development is in close proximity to the A677, a main road, and extremely busy route to the west of town and to the M6 at Junction 31. It adjoins the busy Billinge End Crossroads junction with Revidge Road and Billinge End Road, both heavily used cross town routes which carry large volumes of traffic all day long.

I feel it would be highly inappropriate, dangerous and irresponsible, to have any more traffic potentially emerging on to these roads.

True, there is some parking provision on site, but this is unlikely to be enough especially at peak prayer times, and this will mean worshippers parking on the main road and surrounding streets causing a hazard to motorists and pedestrians alike. This is evidenced by what already happens at Al Asr on St Silas Road which also has some parking provision, and on Friday lunch times on Cheltenham Road, which becomes blocked with worshippers vehicles attending the Ghausia Mosque in Leamington Road. It is pure wishful thinking to think most people will walk - some will- but the majority will drive.

It is also on the main bus route to Preston and has a bus stop outside.

Noise and Disruption

The site is next to both Springfield Care Home and Springfield Cottage. The building work and operations afterwards, will result in much noise and disruption for residents at these facilities. It is not appropriate where there are numbers of vulnerable, aged and infirm residents.

Schools

There are a total of seven schools in this area including nursery schools and the 800 pupil Tauheedul Islam Girls High School.

It is already congested and chaotic at school drop off and pick up times. Any further addition of traffic will cause total gridlock, leading to frustration, delay and a high possibility of accidents, with so many children in one area at times of the day. 2 more schools, Wensley Fold Primary and QEGS are not far away.

Over Provision of facilities

Why do the Issa Brothers feel it necessary to build another facility when there are already a total of 8 mosques/religious education centres in a quarter of a mile of this area.? Are there not other areas of town where the facility is needed more?

The proposed development includes a Community centre? Who will use this facility apart from those of the Muslim faith? There is already no provision for any one else in this area unless you are a member of one of the 2 churches or of one of the mosques.

Non Muslims are only permitted to enter these facilities by invitation during times such as Ramadan, when they are invited to share the iftar-sunset meal. Even Muslim friends say its not needed.

Blackburn is already one of the most segregated and divided towns in the North West. I do not feel this facility will do anything to help community cohesion, understanding and integration.

I applaud the Issa brothers enterprise and business acumen. They provide many jobs for the town, but I feel there wealth could be put to better use by providing a community facility for the whole of the town and not just one section of its population. An example would be the restoration of the ruined St Johns Church which was a facility for the entire community of all faiths and none.

I feel this is the wrong type of development for this area. I request you to give consideration given to the points I have made, and would ask for this vanity project to be rejected. You cannot buy your way to heaven and this is what is really behind this project.

Objection – John Bell, 1 Whitehall Road, Blackburn – Rec – 01/12/2020

Dear sirs,

with reference to the planning application(10/20/1048) to build a mosque on the former Westholme nursery site, can I register my objections.

This site is on a major road linking Blackburn and Preston the motorways etc, and is a very busy road, both with commuters and people wanting to access the motorways. Coupled with that there is school traffic using that area, and very often there are serious delays, which can stretch quite a way up Revidge Rd, Preston New Road gets congested on both sides of the road - coming into Blackburn and heading out to the motorway. The cross roads at the bottom of Revidge Rd are frequently clogged up. I live off Revidge Rd so have experience of this when trying to get to work in a morning. It is also a residential area.

With this application you are going to introduce an extra 139 cars which is stated will fit in the car park, but experience should know that this number could double with cars parked on pavements, on double yellow lines, both sides of the road. It could get quite dangerous.

Examples of this can be seen at other mosques in the town.

This sort of structure would have been better at the new Eurogarages complex at Whitebirk where easy access from the motorways and plenty of carparking could have been created.

Other considerations are that do we really need more mosques in Blackburn. In the Revidge/Beardwood area there are education centres/prayer rooms/mosques at the bottom of Beardwood Brow, the old Dog Inn pub on Revidge Rd, the old Leamington Rd Methodist Church, the bottom of New Bank Rd, the bottom of Leamington Rd, Preston New Rd next to St Silas Church, and a corner house on Preston New Rd near Montague St .

We need more houses on brown field sites like this, not on Green field sites which currently is the norm.

Objection – Christine Kelly. Rec - 01/12/2020

I wish to object to the above application for an iconic mosque to be built at the junction of Billinge End Rd and Preston New Rd.

This is a very busy junction often causing huge tailbacks of traffic and we do not need any more to add to this problem.

Objection – Mark & Sarah Aspden, 5 Whinfield Place, Blackburn. Rec – 03/12/2020

Dear Sir/Madam,

With regard to the above planning application for the demolition of school buildings and erection of a new place of worship and community centre at the former Westholme Nursery School, Preston New Road, Blackburn, BB2 6PS, I would like to express my concern and objection.

Firstly, do we really need another place of worship in Blackburn? will this not draw people away from other places of worship, which could be detrimental to their upkeep and well being. I also have concerns over increased traffic in the area which is already quite bad especially around School opening and closing times. What about the wildlife and the trees? How will these be affected? Some of the buildings at the Nursery School are historical, are the council happy to see and erosion of Blackburns past?

Therefore, I am asking you, for the sake of the whole community, not to consent to the demolition of the school and the building of a new Place of Worship as I feel this will have a negative affect on the local population.

Objection – Andrea Titterington, 9 Meins Croft, Blackburn. Rec – 07/12/2020

This is an objection to Planning Application 10/20/1048.

Grounds for objection:

1. **Visual Amenity:** The site of the former Westholme Nursery School is in a 19th and early 20th century residential area of mansions constructed of brick or stone with stone walls. The Parish Church of St. Silas is stone. The Roman Catholic Church of the Sacred Heart is of brick. Both are of great architectural merit in keeping with their surroundings.

The proposed new place of worship and community centre is pictured with elements of white render or totally white render - completely alien to the area and not suitable for the climate in Blackburn. It will be an eyesore and spoils the elegant entrance to Blackburn along Preston New Road from Yew Tree Drive, a tree-lined street.

2. **Highway safety:** I live on Meins Croft, the first road off Meins Rd. There are 3 schools and a Nursery on Meins Rd. as well as 120 dwellings. At the morning and afternoon school rush hours there are parents and children walking all along Meins Rd. and trying to cross Preston New Rd., Meins Rd., Billinge End Rd./Revidge Rd. The girls who attend Tauheedul Islamic Girls School are also leaving at various times. The volume of traffic already makes these pedestrian journeys hazardous. Allowing a mosque and community centre with 139 car parking places to discharge next to the junction of Preston New Rd. and Billinge End Rd./Revidge Rd. will add significant danger to all who use this road on foot, bicycle, or motor vehicle.

3. **Traffic generation:** A 139 space car park emptying in such close proximity to the junction of Billinge End Rd./Revidge Rd. and Preston New Rd. cannot be justified. This area is already at gridlock. In peak times people cannot get into Blackburn on this main access road and have to queue back to Yew Tree Drive. It takes parents collecting children from Westholme School a long time to exit Meins Rd. This is already a bottleneck. As a local authority which wants to attract visitors, employers and residents to the town, it is ridiculous to make an existing bottle neck worse. Anecdotal evidence from workers in the town coming from the M6 and Preston shows that people have to leave 1 hour or more to make a journey that should take half that time. If Westholme

School gets planning permission to put their entire campus at the end of Meins Rd., the situation is going to be significantly worse without adding a mosque and community centre in this area.

This is a pollution hot spot. The development of the former Westholme Nursery site with a 139 space car park emptying onto Preston New Rd. will make it worse.

4. Adequacy of parking: There is also no cause to believe that a 139 space car park will accommodate the number of worshipers or community centre users. How are activities going to be regulated to ensure that there aren't far more cars on the premises?

The former use of the site had a small car park and was not overly used by parents dropping and collecting children from the Nursery School.

It is not reasonable to have such a large facility in this location. Solely having a mosque or solely a community centre could be a solution, but only if in materials in keeping with the area and without the volume of traffic generated in such a congested place.

Objection – S.R. 16, BB2 6SF. Rec – 10/12/2020

I am writing to OPPOSE the present planning application for the Former

> Westholme Infant School, Preston New Road, BLACKBURN, BB2 6PS

>

> My reasons are:

> The existing building should not be demolished. It is close to a conservation area, pleasing to the eye and fits in with the surrounding area and Blackburn's Heritage. Councillor Phil Riley says 'it sounds as if it will be a very impressive building on one of the key gateways to the town'. It should say MIGHT or possibly be ... or could be ... not will be. I thought there was a process to go through. I cannot imagine the car park to be impressive! As the present playground area is sunken and not visible from the road could that not be a parking area?

>

> If anything, the main house should be regarded as 'local heritage asset'. The habitat survey confirms that all roofs, brickwork, pointing etc. are in excellent condition and well maintained with no leaks etc. e.g. points 3.19, 3.20, 3.21, and many more. Have you checked that gardens within the 250 metre radius of the boundaries have no ponds?

>

> This building housed over 210 pupils plus the teaching staff, assistants, cleaners, secretaries, visiting parents and educational specialists, gardeners and cooks until relatively recently - surely it is feasible to build a beautiful and large mosque without the need to demolish the existing building.

>

> This is a key gateway in and out of Blackburn - the traffic and hold ups at the junction are severe and frequent on this strategic route. This building's impact can only worsen this situation. When used as a school, few (less than thirty) vehicles entered and left the site, most before eight in the morning and after five in the evening. The proposed building and traffic will be detrimental to road users often at peak traffic times.

> The proposed Billinge End Road access has not been used for over 25 years and is very close to a dangerous spot with no foot path for pedestrians already. The coach house on the same road had vehicle going in and out in and out with considerable difficulty - the coach house could also be conserved and an on-site caretaker employed as the crime prevention report records all sorts of potential problems. Have the traffic weight restrictions on a Buncer Lane been reviewed - more

heavy vehicles collecting rubbish! (Though I realise that residents' need this service it is now being added to).

>

> A two storey car park! This is an established residential area with few buildings near that aren't residential - if it is for the use of the local community (as it is billed) fewer car parking spaces and more bicycle spaces (just eight that I can see on the plans) would be more appropriate.

>

> As the school has merely relocated the traffic related to drop off and pick ups has merely moved along the road - not freed up the area to allow a building consent that will cause more traffic - five times, rather than the former twice a day for five days only during term terms. School start and finish times were extended to help traffic flow (8.00 - 8.50) (3.00 - 4.00) unlike the call to prayer at set times.

>

> The site is well established with many mature trees and greenery - something Blackburn should strive to maintain. Though new planting is planned it will take time to establish and is it equivalent to the amount there now? The photographs in the surveys show the landscape and gardens in a bad light - previously beautifully maintained garden spaces have not been cared for since the sale.

>

> Is another mosque really needed? Or a community centre? There are plenty of community meeting places in the vicinity and several mosques on Preston New Road. There are 64 or more mosques and Islamic learning centres in Blackburn, many of which are very close to this site - one diagonally opposite and less than 150 metres away (that fits in with the area architecturally).

>

> Preston New Road is a very difficult and dangerous road to cross . A crossing would not solve the problem it would merely cause even more angst in traffic jams and delays (as if the case with the crossing recently made near the Woodlands site on the Meins Road junction). Nearby streets are notoriously difficult to drive or park in. Here are some of the councils own 2018 observations on nearby traffic:

>

> In late 2018 extensive plans were discussed 'to ease traffic worries' around the Masjid e Anwaar Mosque and Islamic Learning Centre.

> Borough regeneration boss, Cllr Phil Riley, said: "As part of the scheme, it is also proposed to introduce one way driving on Leamington Road from Granville Road to Burlington Street and for the entire length of Burlington Street. These streets which surround the mosque and madrasa are typical of the Victorian era.

> "They were intended to allow the movement of two way traffic but parked vehicles on both sides of the road means that congestion occurs when large volumes of traffic movement is being experienced. "When the local mosque and madrasa are in operation, traffic volumes can be significant for relatively small residential streets. The introduction of one way traffic will support better vehicle movement around the local residential area and support the operation of both the mosque and madrasa."

>

> The system that is in place there now isn't working and this is very close to the proposed new development and the existing road and junction are also typical of the Victorian era.

>

> Ladies do not need 'dedicated provision', we merely need equality.

>

> Just how is this going to be used for all the local community irrespective of their creed, colour or religion. An admirable statement but it does not say gender!

>

> Why does it need two minarets - will calls for prayer be made - can this opposed at a later date or are they ornamental?

>

> Basically this building does not support a safer community or healthier community nor does it conserve the mature natural environment established around the existing building or local heritage. The re-use conversion and / or extension of the existing building would be more appropriate and in keeping with area and Blackburn's own planning aims - after great consideration being given to existing and potential new traffic congestion.

Objection – J & P Carter 12 Mile End Row, Blackburn. Rec – 14/12/2020

To Whom it may concern,

Please accept this written objection to the planning application ref Application Number 10/20/1048 - Former Westholme Nursery School Preston New Road Blackburn BB2 6PS.

As a resident of Mile End Row, Blackburn, my wife and I believe this will have an impact on the volume of traffic in ours and the surrounding areas. We already struggle to be able to turn out of our street at peak times due to the traffic created on Revidge Road.

Traffic is already at it's limit from parents dropping and collecting children from Tauheedul Islam Girls School on Preston New Road (A677), Little Stars Child Care, and also The Olive School and Westholme School on Meins Road. Add into the equation more traffic being created by individuals making journeys to and from Witton Park School via Revidge Road and to QEGS this area is already a hot bed of quite often dangerous traffic, that at its centre has insufficient management via the lights at the crossroad on Preston New Road.

The traffic lights at the cross roads of Preston New Road and the bottom of Revidge Road leading to Billinge End Road are congested at School times and the lights constantly being jumped by reckless drivers, causing further issues for individuals to get to their destination. We have witnessed this congestion on many occasions whilst waiting to catch the 59 Bus into Blackburn town centre, however this was eased slightly when Westholme Nursery School moved site. With the building and erection of a new place of worship and community centre this will only increase again.

The footpath on one side of Revidge road that leads up to Mile End Row is narrow and dangerous to walk upon due to the closeness of moving vehicles and overgrown hedgerows. The footpaths on Preston New Road are dangerous and unkempt with moss growing on them. They are slippery and a trip hazard. As for the footpaths from Billinge End Road that lead to and from Billinge Woods, they are non-existent and quite frankly I doubt that any residents from further up Billinge End Road would be walking to the place of worship.

The application mentions that worshippers will be attending from the local area and are likely to walk, I imagine after one attempt on these footpaths they will all be driving in or being dropped off.

The question of adequate public transport to the site via various bus routes is correct but I doubt very much that attendees will be using public transport to attend. This is already the case where much of the congregations of St. Silas Church and Sacred Heart Church drive to them despite the good transport links.

Again if you take the time to travel along Preston New Road you will find that those attending Al-Asr Mosque on the corner of St.Silas Rd, Madni Masjid Mosque on Lancaster Place or Abu-Hanifah on Preston New Road do not use the fantastic public transport links available as undoubtedly at peak times of prayers you will see numerous cars parked on the pavements, on double yellow lines or causing congestion along Preston New Road to and from Blackburn Town Centre.

To further support our objection to the plans, why does the area need another community centre? Did we not already have one in the form of the St Silas School building that was renovated to allow Nightsafe to home

vulnerable individuals? If the need for a community centre/space was needed, then why renovate one that was already perfectly adequate?

We believe overall that the site is highly inappropriate for the use being applied for. A look at the surrounding areas will see that traffic is already at it's limit with congestion caused by travel to Tauheedul Islam Girls School, Westholme School, St. Silas Church, Sacred Heart Church, Little Stars Child Care, Al-Asr Mosque, Madni Masjid Mosque, Abu Hanifah and the Olive School. Add into the mix of travelling to Witton Park School, QEG's, St. Silas School and Wensley Fold School all of whom at some point create traffic that joins or circles Revidge Road/Preston New Road and surely approving this application is going to create further traffic issues for those who live and work in the locality to the Former Westholme Nursery School

Objection – Longfield Care Home. Rec – 05/02/2021

Dear Blackburn with Darwen Planning,

I write to you to object the planning applications on the recently-vacated site of Westholme School's former infant and first school.

Link: <https://www.lancashiretelegraph.co.uk/news/18891820.billionaire-issa-brothers-reveal-plan-iconic-mosque-blackburn/>

Blackburn with Darwen Planning did not seek the views of neighbouring properties in relation to this application and have made it both difficult and in some ways impossible to object this application.

This objection is brought to you from Longfield Care Home [Preston New Road, Blackburn, BB2 6PS] and we wish to object the application on the following grounds;

- 1) Loss of Privacy.
- 2) Parking.
- 3) Highway Safety: In relation to vulnerable adults and children from surrounds schools and care homes.
- 4) Traffic pollution: In relation to emergency access of emergency services for vulnerable adults residing in the surrounding care homes.
- 5) Noise pollution.
- 6) Effects on listed building and conservation area.
- 7) Layout and density of building.
- 8) Design, appearance and materials: In relation to planning not being in keeping with the historic surrounding properties.
- 9) Nature conservation: In relation to local wildlife impact and conservation of trees.
- 10) Business impact: Inclusive of valuation of surrounding properties.

Support – Select Support Partnerships, 9 Buncer Lane, Blackburn. Rec – 24/11/2020

Dear Sirs,

I would like to put my comments on record for the planning application referenced above. We are a supported living service who occupy the address at 9 Buncer Lane. Along with many other things, we support vulnerable adults to fulfil their religious and cultural beliefs. We believe this application will serve us and the community well. It will be easier to access as the current mosque is at least 10 minutes walking distance for our residents. It will also make it safer for our residents as they would no longer have to cross the main road. The facilities proposed will have a positive impact on the health and wellbeing of our residents. Our residents can also benefit from the community centre if they have provisions for community based activities.

Overall I think the planning application will serve all parts of the community well and help to bring the community together.

REPORT OF THE DIRECTOR

Plan No: 10/21/0127

Proposed development: Listed Building Application (Regulation 3) for Internal alterations, refurbishment and restoration of existing office spaces to the first and second floors

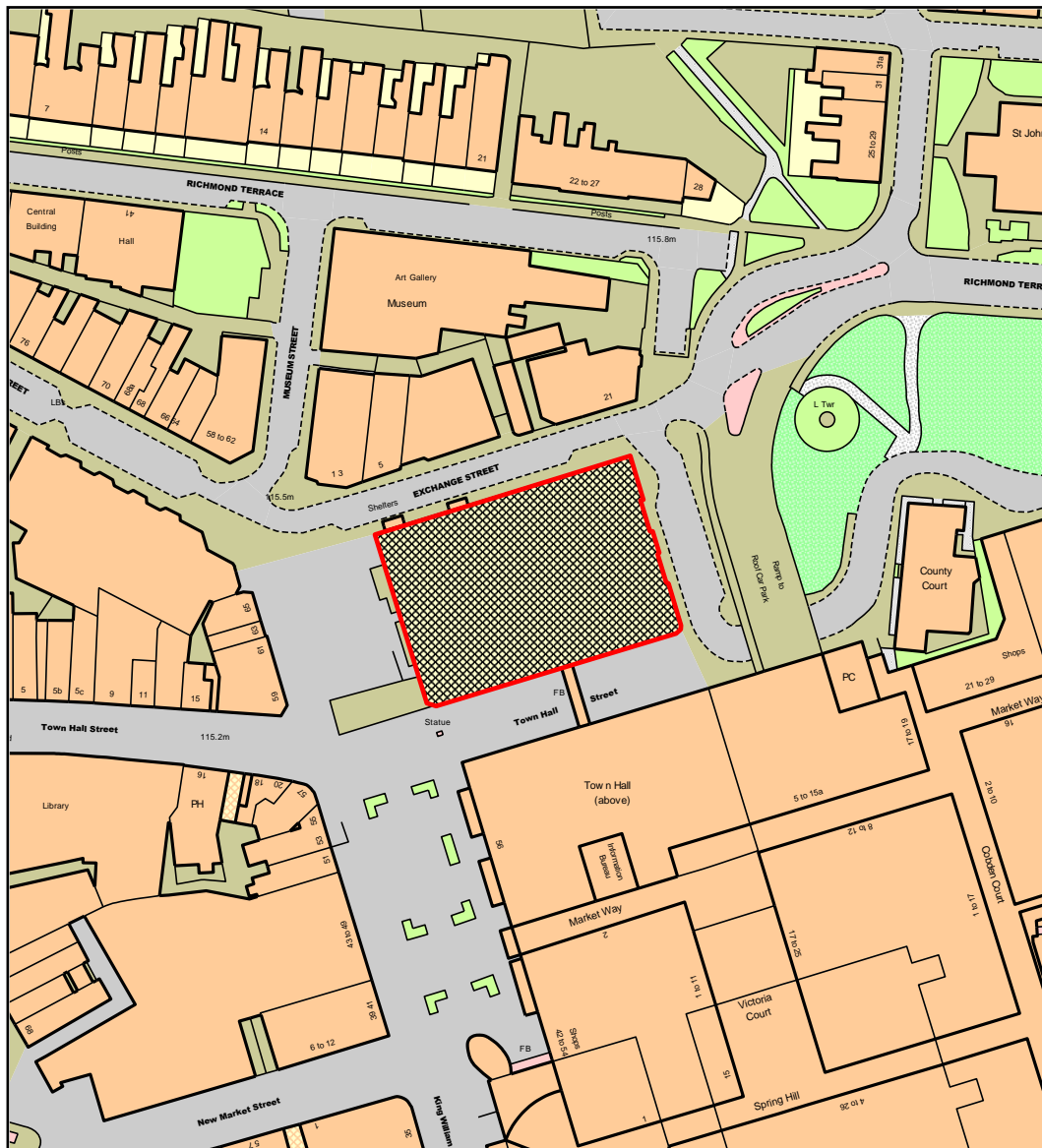
Site address:

**Town Hall
King William Street
Blackburn
BB1 7DY**

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

**Councillors: Zamir Khan
Saima Afzal
Mahfooz Hussain**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE, subject to the conditions recommended within Paragraph 4.0

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal will allow internal alterations, refurbishment and restoration of existing office spaces to the first and second floors of the Old Town Hall, whilst ensuring the historic and special architectural importance of the listed building is preserved and where possible enhanced. It supports the Borough's planning strategy when dealing with designated heritage assets as it is considered to sustain and enhance the listed building ensuring the building is secured for future generations. 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.
- 2.2 The application is before Members as the Old Town Hall is a Blackburn with Darwen Borough Council site and the application has been submitted by the Council's Property Team.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a Grade II listed building which was built in 1852 by James Patterson. It is a large rectangular stone building with a rusticated ground floor, modillion eaves cornice over the first floor, and a pierced balustrade above the attic storey. The building has stone quoins, round-arched Italianate windows, and Corinthian columns to the front at first floor. The building is used as the Town Hall, containing reception areas, council chambers, and offices.

3.2 Proposed Development

- 3.2.1 Following refurbishment and modernisation of the third and fourth floors of the Town Hall, this application seeks consent for the works required to restore and modernise the first and second floors of the building. The scheme proposes to remove some internal stud walls to re-open the historic plan form of larger rooms/ offices.
- 3.2.2 A number of functional offices on the fourth floor will be sensitively opened out in a manner which preserves enough of the walls to illustrate the original room layouts. Opening the rooms out in this way will allow the offices to become practical spaces for present day circumstances, thereby bringing the Municipal Offices back into use. Finally, both the first and second floors will be sensitively redecorated and fitted out as a modern workplace.

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

- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage

3.3.3 Local Plan Part 2

- Policy 8: Development and People
- Policy 11: Design
- Policy 39: Heritage

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 16: Conserving and enhancing the historic environment

3.5 Assessment

3.5.1 In assessing this application, Sections 16, and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Chapter 16 of the NPPF and Policy 39 of the Blackburn with Darwen Local Plan Part 2 are of relevance.

3.5.2 Sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses when considering whether to grant listed building consent or planning permission. Section 66 (2) of the Act states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.

3.5.3 Part 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) and Development Management Policy 39:

'Historic Environment' of the Blackburn with Darwen Local Plan Part 2 requires, development to, or within the curtilage or vicinity of, a listed building or structure, to preserve or enhance both its special interest and setting. In addition, the National Planning Policy Framework states at Paragraph 134 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Impact on a designated heritage asset

3.5.2 Core Strategy Policy CS17: Built and Cultural Heritage, Maximising the Asset, states that proposals for new development should identify and take advantage of opportunities to integrate with and promote the Borough's cultural assets. Local Plan Part 2: Site Allocations and Development Management Policies, Policy 39 states that development affecting a heritage asset will be required to sustain or enhance its significance, taking into account the retention/restoration of historic features and building details and, the detailed design of the work, including scale and proportions, materials and construction details. This underpins the main principles of sustainable development contained in the NPPF alongside the requirement to conserve and enhance the historic environment.

3.5.3 A detailed Heritage Statement has been provided which sets out the key the requirements of NPPF 2019 paragraph 189 which states;

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected... The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance", reflecting the policy requirements include:

- Purpose of the Heritage Statement
- Development Proposal
- Planning Status of Heritage Asset
- Planning Policy
- Context
- Description
- Significance and Heritage Value
- List Description

3.5.4 The scheme involves the restoration and modernisation of the first and second floors of the Municipal Offices at the rear of the Town Hall proper. A number of functional offices and the Members Room will be sensitively opened out in a manner which preserves enough of the walls to illustrate the original room layouts. Opening the rooms out in this way will allow the offices to become practical spaces for present day circumstances, thereby ensuring the building remains in its optimal viable roof. Finally, both the two floors will be sensitively redecorated and fitted out as a modern workplace.

- 3.5.5 Heritage and Conservation colleagues have appraised the submission noting *'the scheme complies with Development Plan policies taking into consideration the constraints of present day office requirements and a finite budget.* It is acceptable in policy terms and a desirable enhancement of the Municipal Offices element of the Town Hall. The overall impact of the scheme will be positive with appropriate mitigation for those details where there is some minor harm to the character of the building.
- 3.5.6 At the time of the application relating to the restoration and modernisation works to the third and fourth floors of the building, Heritage and Conservation colleagues advised that given the age of the building and the potential to uncover unexpected works, a condition should be attached to allow for minor changes which might occur during the restoration process. Implementation of a similar condition, will ensure the scheme is developed in accordance with Local Plan Part 2, Policy 39 and in the interests of preserving and enhancing the character of the listed building and the character and appearance of the conservation area. An additional condition was also recommended at that time to require the accompanying heritage information to be submitted to Lancashire Historic Environment Record and the Community History Service, Blackburn Central Library and given this is a longstanding public building it is reasonable for such records to be taken so future generations can appreciate the building. These conditions are duly listed within paragraph 4.0.
- 3.5.8 The comprehensive details submitted illustrate that the scheme will ensure the long-term viability of the heritage asset whilst ensuring the building is sustained and where possible enhanced. As such, the proposal is considered to accord with the provisions of the relevant policies of the development plan, the National Planning Policy Framework and the requirements of S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act 1990 (as amended).
- 3.5.9 Summary:
- 3.5.10 This report assesses the Listed Building application for internal alterations, refurbishment and restoration of existing office spaces to the first and second floors at the Town Hall, Blackburn. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.
- 3.5.11 The assessment of the proposal clearly shows that the decision must be made in terms of assessing the merits of the case against any potential harm that may result from its implementation. This report concludes the proposal will ensure the heritage asset is sustained meeting the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework 2019.

4.0 RECOMMENDATION: Approve, subject conditions set out below:

1. Commence within 3 years
2. Approved details/drawings

3. Any detailed amendments to the design, works or materials shall be:
- a) first approved in writing by the local planning authority;
 - b) implemented in accordance with that approval; and,
 - c) retained for the duration of the development.

REASON: To allow for minor changes which might occur during the restoration process, in accordance with Local Plan Part 2 Policy 39 and in the interests of preserving and enhancing the character and appearance of the conservation area.

4. Prior to the start of any building works the Heritage Statement for First and Second Floors of the Municipal Offices, Blackburn Town Hall, a Heritage Photographic Schedule for the 1st Floor and a Heritage Photographic Schedule for the 2nd Floor shall be deposited with the Lancashire Historic Environment Record and the Community History Service, Blackburn Central Library.

REASON: To ensure that an appropriate record of the historic building fabric is properly preserved.

5.0 CONSULTATIONS

5.0.1. Due to the proposals affecting a listed building and the works involve demolition of modern subdivisions the Council's Conservation Officers, Historic England and the Historic Amenity Societies have been formally consulted on the application.

5.0.2 At the time of writing this report no observations have been received from these statutory consultees and therefore any representations received will be reported within the Committee Update Report.

5.0.3 Public consultation

Due to the application affecting a listed building, the application has been advertised by site notices affixed in the areas to the front and rear of the Town Hall and by Press Notice. The application has also been advertised on the Council's website.

5.0.4 No letters of representation have been received to this public consultation.

6.0 RELEVANT PLANNING HISTORY (since 2000):

APPLICATION NUMBER	DESCRIPTION OF DEVELOPMENT	DECISION	DATE
10/19/0463	Internal alterations, refurbishment and restoration	Grant	12/07/2019

	of existing office spaces to the third and fourth floors		
10/11/1147	Installation of secondary glazing	Grant	19/03/2012
10/10/0889	Carry out restoration and repairs to external stonework and timber windows	Grant	14/01/2011
10/10/0633	Reinstate two pairs of doors where they have been removed in the past.	Grant	15/10/2010
10/10/0507	New and replacement internal double doors and door closer units to comply with current fire regulations	Withdrawn	13/07/2010
10/10/0019	Re-roofing	Grant	29/07/2010
10/09/0264	Alterations and redecoration to room 104	Grant	20/05/2009
10/09/0249	Modification to existing steps	Grant	12/05/2009
10/08/0880	To renew rotten windows and doors in quadrangle and make good external coatings	Grant	23/12/2008
10/07/1030	Decorative exterior lighting scheme to main facade facing King William Street.	Grant	02/11/2007
10/04/0502	Alteration of public areas - forming 3 new openings to the existing walls to improve customer flow as part of the New Accessible Services programme the Council is adopting	Grant	21/07/2004
10/03/0672	Formation of two new openings through internal walls to link basement rooms B01, B02, B03	Grant	17/09/2003
10/00/0688	Formation of two new openings through internal walls and two openings within window opening onto internal quadrangle, to allow for new extract and intake ducting to re-fitted kitchen on the second floor of the Old Town Hall	Grant	15/11/2000

7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer

8.0 DATE PREPARED: 05 March 2021

DEPARTMENT OF GROWTH AND DEVELOPMENT

ORIGINATING SECTION: PLANNING

REPORT TO: PLANNING & HIGHWAYS COMMITTEE – 18th MARCH 2021

**TITLE: PETITION REGARDING: Planning Application 10/20/0709
“Proposed Three Storey Playing Courts” at Jamiatul Illm Wal Huda,
Moss Street, Blackburn, BB1 5JT**

**WARD: AUDLEY & QUEENS PARK - Councillors: MARYAM BATAM, YUSUF
JAN VIRMANI, SALIM SIDAT**

**LITTLE HARWOOD & WHITEBIRK – Councillors: MUSTAFA DESAI,
PAT McFALL, ABDUL SAMAD PATEL**

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition, a copy of which is available for viewing in Democratic Services.

2.0 BACKGROUND AND DETAILS

2.1 A planning application for full planning permission for a three storey playing court at Jamiatul Illm Wal Huda, Moss Street, Blackburn. The application was received 17th November 2020.

2.2 Individual letters of notification were posted on the 18th November 2020, with a site notice displayed on the 27th November 2020.

2.3 A petition containing 19 individual names was received on the 23rd February 2021. The petition sets out the signatories support for planning application 10/20/0709 on the following grounds;

- *The existing open court is an inadequate outdoor facility. Students currently play on an open court and within the car park*
- *Current noise levels are minimal*
- *The new facility will minimise/muffle the noise and students will no longer need to play within the car park, which is in closer proximity to dwellings*
- *The ground floor level will be utilised for overspill parking during Friday prayers and will be managed by trained marshals*
- *The design of the new facility would be a great architectural contribution to our local area*
- *In summary, as immediate residents, we fully support the scheme and will not be affected by the potential amenity issues raised on behalf of us.*

- 2.4 Members are advised that the planning application remains under consideration.
- 3.0 **RECOMMENDATION**
- 3.1 It is recommended that the Committee note the petition and that the lead petitioner be informed that their comments will be taken into account when the application is determined.
- 4.0 **BACKGROUND PAPERS**
- 4.1 None
- 5.0 **CONTACT OFFICER** – Martin Kenny, Principal Planner – Ext. 5639.
- 6.0 **DATE PREPARED** – 3rd March 2021
- 7.0 **REFERENCE** – G&D/P/MK/10/20/0709