

## **REPORT OF THE DIRECTOR**

**Plan No: 10/20/0459**

**Proposed development:** Change of Use of Vacant land to A4 use  
**Classification including erection of pergola, shipping container and other associated alterations**

**Site address:**

**1A Church Bank Street**

**Vacant Land to NE (side) of Cin Cin**

**Darwen**

**BB3 3HA**

**Applicant: Mr Dominic Holmes**

**Ward: Darwen East**

**Councillor: Paul Browne**

**Councillor: Roy Davies**

**Councillor: Jane Oates**



## **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**

- 2.1.1 This application is before the Committee due to the public interest in the case, including the receipt of 8 public objections and 21 letters of support, in accordance with the Chair Referral Process as part of the Scheme of Delegation.
- 2.1.2 The development will deliver a quality scheme, which will enhance the external setting of the Darwen Town Centre Conservation Area. As well as the visual benefits of the development, the expansion of the existing commercial bar use will supplement the existing retail and leisure offers within the Darwen Town Centre area, thereby contributing towards the sustainability of the historic host building and Darwen Town Centre Conservation Area.
- 2.1.3 Accordingly, the proposal is consistent with the Borough's overarching growth strategy. It is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

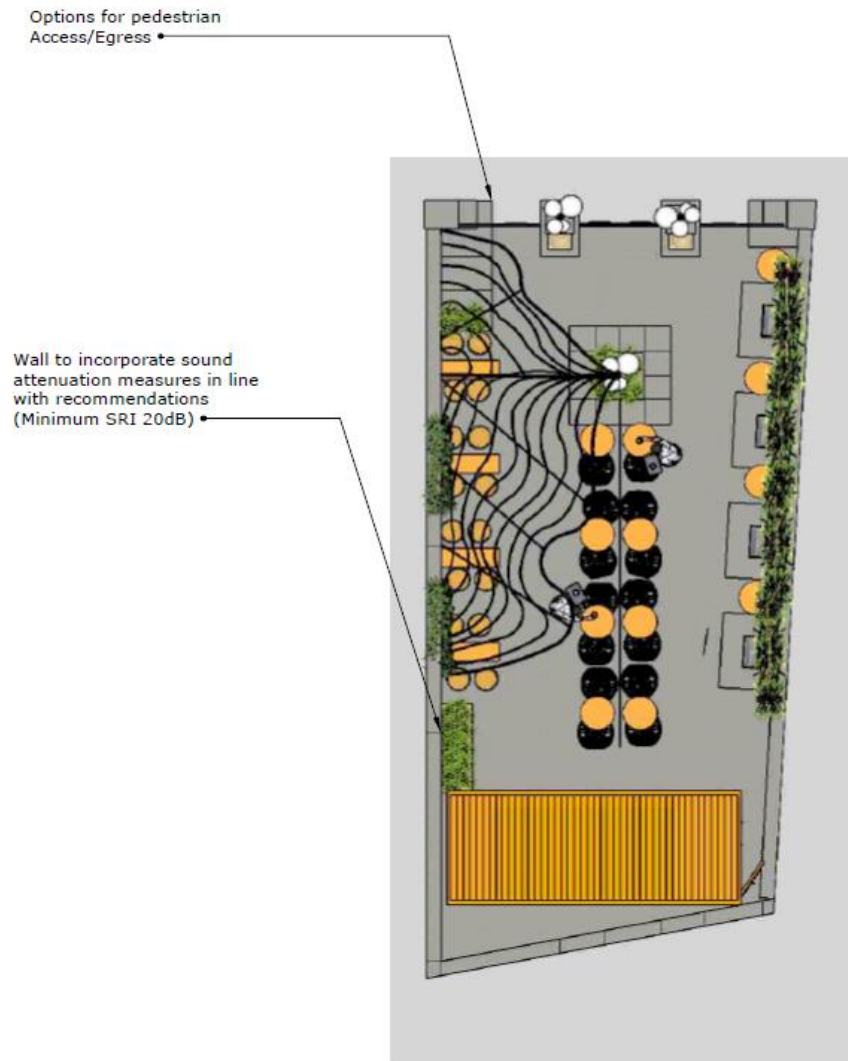
- 3.1.1 The application site is located off Church Bank Street in the centre of the Darwen Town Centre Conservation Area, which was originally designated in 1996 and extended in 2005. The character of the area is principally made-up of commercial properties; primarily retail and leisure with shops, pubs, bars and restaurants. Towards the eastern end of Church Street is St. Peter's Church and beyond that at the eastern and northern edge of the conservation area the character changes and becomes largely domestic with stone fronted terraced houses laid out in a recognisable grid pattern.
- 3.1.2 1A Church Bank Street is a two-storey, stone constructed property dating from the late C19. At the rear of the property the character of the area is typically unrefined and irregular with bin stores, car parking and fire escapes etc. The application site is generally undeveloped and is currently used as an informal parking area, as well as a temporary outdoor drinking area under the provisions of Schedule 2, Part 4, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- 3.1.3 The overall site is approximately 10m x 20m and adjoined to the north by Church Bank Street, to the east by Bathurst Street, to the south by an informal parking area and to the west by a section of unadopted highway that serves the rears of properties along Bridge Street.



Photograph of application site

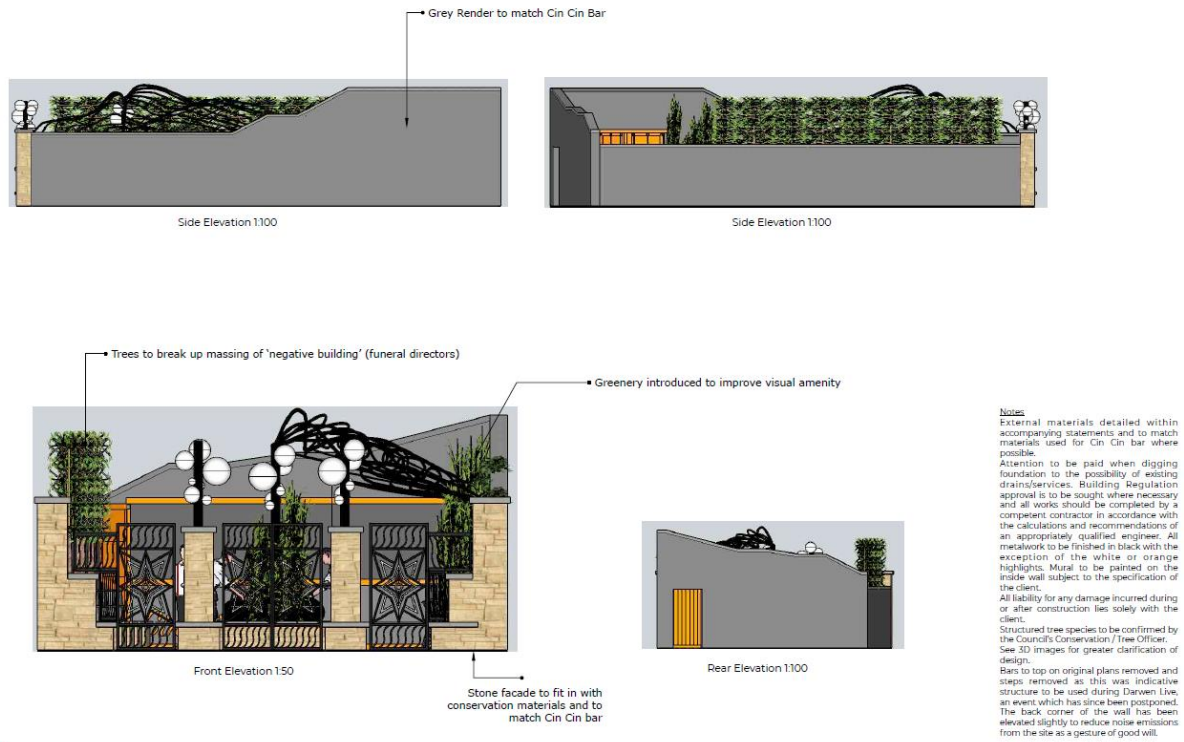
### **3.2 Proposed Development**

- 3.2.1 Full planning permission is sought for a change of use of the land to form a beer garden to serve the adjacent Cin Cin bar. The proposal would see the installation of: masonry walls with iron railings above, a pergola adjacent to Church Bank Street, a shipping container to be used for storage and as a bar. Two additional ornamental pergolas will be erected adjacent to the proposed container. Further fencing will be erected to the east and western borders with removable panels.



Extract from amended proposed floor plan 11<sup>th</sup> September 2020

- 3.2.2 The proposed wall and pergola will be erected adjacent to the northern boundary which is adjacent to Church Bank Street, with a maximum overall height of 4.5m. The shipping container (6m x 2.44m x 2,5m high) will be sited to the southern edge of the site with 2 further pergolas adjacent to the container. A specimen tree will be located to the approximate centre of the site.



Extract from amended proposed elevations plan 11<sup>th</sup> September 2020

### 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
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage

#### 3.3.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 26 – Town Centres: A Framework for Development.
- Policy 39 – Heritage

### **3.4 Other Material Planning Considerations**

#### **3.4.1 National Planning Policy Framework (The Framework)- 2019**

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

#### **3.4.2 Darwen Town Centre Conservation Area Appraisal**

### **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 the development
- Amenity impacts
- Design impacts
- Heritage impacts
- Highway impacts

#### **3.5.2 Principle**

As a site located within the Inner Urban Area of Darwen and Darwen Town Centre, designated as a Primary Shopping Area, the proposal is consistent with the Policies CS1 and CS16 of the Development Plan which state that the urban area is the preferred location for new development.

3.5.3 Policy 26 supports development involving main town centres uses within the town centres. Restaurants and cafes are defined as such in the Development Plan Glossary, which is consistent with the definitions offered for such uses in The Framework. Furthermore, Policy 26 supports protection and expansion of the leisure offer within town centres and development of an evening economy, including restaurants and cafes, including within the defined Northgate Quarter of Blackburn Town Centre.

3.5.4 Accordingly, the principle of the development is supported, in accordance with policies CS1, 1 and 26 of the Development Plan. It is also consistent with The Framework's economic and environmental objectives of sustaining viable town centres.

#### **3.5.5 Amenity**

Policy 8 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.

3.5.7 The proposal poses no undue concerns with reference to privacy / overlooking or relationship between buildings.

- 3.5.8 The most significant element for Members to consider relates to the creation of the beer garden and the potentially adverse impact of this upon the amenity of surrounding commercial and residential uses.
- 3.5.9 Objections to the scheme are set out in full within section 9 of this report. They originate from both commercial and residential premises and principally raise concerns with noise/music emanating from the main building and disturbance arising from the users of the external seating area. Wider concerns with litter and nuisance from patrons accessing/egressing the site are also raised. Comments received from Ainsworth Funerals, who lay in close proximity to the east of the site, identify concerns from music and other disturbance within the beer garden conflicting with the nature of their own business which regularly involves bereaved families visiting their premises during the day, evenings and at weekends. Residential objections also raise the issue of late night noise.
- 3.5.10 The application has been supplemented by a noise report (C80 Solutions: reference 11363), which has been undertaken to predict the impact of the proposed development on the nearest noise sensitive receptors (NSR's). An unattended noise survey was completed over the period 27<sup>th</sup> July to 1<sup>st</sup> August 2020. This data was subsequently used to assess the predicted noise levels from the new development on the local environment.
- 3.5.11 The noise levels were recorded in decibels (dB) and recorded as L Aeq, L90 and LAFmax. The sound was measured throughout the day. This is to ensure the sound levels adhere to the World Health Organisation guidelines (WHO),
- 3.5.12 The noise report concludes that;
- Potential impacts of noise resulting from the operation of the outdoor bar/seating area are likely to include (i) Patron noise i.e. conversations (ii) Amplified Background music
  - The Patron noise as predicted in the assessment should not interfere with the nearest noise sensitive dwellings, and the effect of a noise barrier would further attenuate the sound emitting from the outdoor bar/seating area. This would be recommended at the given height of 4m , to fully achieve the desired effect.
  - Noise limits on speakers placed outdoor for background music should not exceed 65dB and should exceed this as to not impact the dwellings or chapel of rest.
  - If looking at the National Planning policy framework this should have the No Observed Effect Level against the outdoor area.
  - On the basis of this assessment it is considered that the outdoor bar/ seating area would not pose a nuisance to the local area and no effects to quality of life to the nearest dwellings, as long as the measures described were taken; (1) Noise limiter on outdoor music at 65dB7, and (2) Noise Barrier lined with



Sound mitigating substance i.e rubber render, acoustic lining as long as it has SRI 20dB or more.

3.5.13 The Council's Head of Public Protection has appraised the submitted noise report and application details and advises;

*"The proposed outdoor seating area is likely to cause noise nuisance loss of amenity at premises in the immediate locality. Complaints have been received by the Council due to noisy late evening and night-time use of the application site within the last 12 months and local government officers have witnessed use of the site by Cin Cin likely to cause noise disturbance. However, I am aware that Café Pavement Licences have been issued to Cin Cin in recent years that have not caused significant street noise disturbance or given rise to noise nuisance complaints - I note that these Licences allow use of the pavement outdoor space until 21:00hrs each evening.*

*A significant factor in the level of disturbance caused is the number and noisiness of customers using the outdoor area; the latter being affected by the amount of alcohol consumed by customers into the late evening/night-time period. Clearly, alcohol consumption increases during the evening/night-time period with a consequent increase in customer noise level with raised voices, loud laughter and occasional shouting becoming frequent. In addition, the assessment and control of customer noise is subject to significant uncertainty because the level of noise a group of customers will generate is unpredictable, highly variable and difficult to manage. This is why it is essential to apply a precautionary approach to ensure that an acceptable standard of residential amenity is maintained in the locality.*

*I note that the report conclusions recommend approval of this application with conditions. It also recognises that the recordings were undertaken during a period of lockdown due to the Covid 19 pandemic and, as a consequence, some of the measurements taken may not be a full representation of the proposed site noise environment. The report refers to British Standard (BS) 4142 'Methods for rating and assessing industrial and commercial sound', this is not an appropriate reference for the assessment of music and other entertainment or people noise amenity impact.*

*However, I am aware that Café Pavement Licences have been issued in the locality for pavement/street use up to 21:00hrs each evening that have not caused significant street noise disturbance or given rise to noise nuisance complaints. Additionally, the Environmental Protection Service has recently recommended a premises licence condition restricting outdoor hours of use to 22:00hrs each evening at the application premises.*

*I recommend approval of the application with a 10pm hours of use restriction for the external seating area, ensuring consistency with the above mentioned premises licence hours restriction, to minimise the likelihood of significant loss of amenity arising from the outdoor seating and decking areas".*

*Additionally, "It is the experience of the Environmental Protection Service that the control of outdoor amplified music by business operators doesn't work –*



*the temptation to increase music to unacceptably loud levels is too hard to resist. I am also aware that the conditioned approval of applications based upon the implementation of 'Noise Management Plans' by business operators is not favoured by Development Management as enforcement is problematic. I, therefore, recommend that the playing of amplified music in the outdoor seating area is prohibited by condition.*

*Finally, with reference to noise mitigation measures, a four metre high acoustic barrier, recommended in the submitted acoustics assessment: 'Proposed Planning Assessment: Noise risk assessment – BS4142:2014' (Ref: 11363), Section 7: 'Proposed Development and Noise Abatement': 'Noise Barrier', shall be constructed prior to commencement of the approved use and thereafter retained for the duration of this use".*

3.5.14 Further conditions relating to the need to agree a flood lighting scheme prior to its installation and standard hours of construction (8 am to 6pm Monday to Friday, 9am to 1pm Saturday, no site operations on Sundays and Bank Holidays) shall also be imposed.

3.5.15 Subject to the restrictions outlined above, compliance with Policy 8 is achieved.

3.5.16 Design / Heritage

Policy 11 requires a good standard of design that should 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. Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. In this context, the proposal is supported by submission of a Heritage Statement.

3.5.17 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. With reference to Conservation Areas, LPA's should pay special attention to the desirability of preserving or enhancing the character or appearance of that area and consider the impacts on character and appearance (which includes its setting) separately. Development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

3.5.18 The Framework includes direction that LPA's should take account of;

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

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.

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.

3.5.19 *Policy CS16: Form and Design of New Development* requires new development to be of a high standard of design, and to respect and reinforce local character. Particular attention must be paid to all of the following:

- i. Character
- ii. Townscape
- iii. Public realm
- iv. Movement and legibility
- v. Sustainability
- vi. Diversity
- vii. Colour

Development in prominent locations, in areas of major change and on transport gateways will be required to demonstrate particularly high standards of design.

3.5.20 A Design & Access Statement and Heritage Statement have been submitted in support of the application. The submissions advises that; *“the proposed development will be designed in a similar style to the main Cin Cin building: a sand stone facade will face onto Church Bank Street and act as pillars at the ends of the proposed walls. This sand stone reflects the heritage of the industry in Darwen and improves the primary interaction of the site and the Townscape. Additionally, the two pillars forming the entrance to the site create a stronger unique identity for the site whilst maintaining flexibility of access; these pillars could also provide opportunity for planting (at the seating level).*

*Distinctive fencing is proposed to form the north western boundary treatment, as shown on the proposed elevations. This will be made from steel, fabricated by a local metal worker and will make a positive contribution to the locality by breaking up the monotony of the insignificant rear elevations of buildings surrounding the site.*

*The proposed bar will be set back from the main road and will not be prominently visible hence will have minimal effect on the wider conservation area. The pergola is sited towards the south western boundary and has been designed to reflect the undulation of the “steeply sloping hills” as identified in the SPD when defining the character of Darwen. The central valley in the pergola represents the valley in which Darwen is located; the Pergola hence comprises considered, location specific design. It will be finished in black paint to blend into the townscape. Paragraph 5.2 of the conservation area appraisal*

*identified a lack of green spaces and this has been addressed by the inclusion of the trees on the proposed plans”.*

3.5.21 The submitted details have been reviewed by the Council’s Heritage and Conservation consultee, who offered the following comments:

*“The application is to change the use from ‘assumed’ vacant land to A4 use with the installation of a shipping container, outdoor seating, pergola, lighting and boundary wall and railings. The vacant land in question is beyond the associated land of Cin Cin whose current boundary would logically appear to be defined by the existing remains of a low boundary wall and a change in surface level (where the bin store is currently located). The vacant land has no through-road for vehicles but it can be passed through by pedestrians. It is appreciated the space will be difficult to use other than for activities such as deliveries and associated parking.*

*It is understood the land has been used as an outdoor drinking area in recent but this has been on a temporary basis. The application seeks to establish the area for outdoor drinking on a permanent basis and to define the space to make it more user-friendly and attractive.*

*The development site is directly adjacent to a Funeral Directors that is a long two storey building clad in pebble dash and on the northern side of this building are stone fronted terraced houses that are also included in the Conservation Area (CA). This part of the CA is at the junction where residential use meets commercial and leisure; it is suggested the Funeral Directors and the vacant land currently acts as a border or buffer between the two distinctive areas.*

*Whilst I do not necessarily feel the existing space is a positive one to the character and appearance of the CA I find the introduction of a permanent outdoor drinking space will be somewhat incongruous and incompatible with the wider character of the area. The proposed location, size of the structures/boundary treatments will create an odd ‘walled’ space which has little or no use other than in the evenings/night time. Physically I find the ‘island – space’ will appear out of context with its surroundings, visually disconnected from the host buildings that would not in my view contribute positively to the established urban grain of the conservation area.*

*The design of the wall, pergola and railings is interesting and decorative however I find the principle of the use of the site objectionable and therefore the structures are largely irrelevant to my assessment. Regardless the design proposals do not in my view fit well with the modest nature of the neighbouring buildings nor does it reflect the plain character of Church Bank Street.*

*Overall I find the harm to the CA to be of a moderate scale within the definition of ‘less than substantial’ and therefore needs to be assessed under P.196 of the NPPF. The LPA can consider and weigh the harm against any public benefits of the development.”*

3.5.22 Members are advised that despite the reservations offered by the conservation officer a refusal on heritage grounds would be difficult to substantiate given that less than substantial harm is identified. Importantly the site is not within a prominent location within the Darwen Town Centre Conservation Area, whilst it also lacks any cohesive style or character. Furthermore, when considering the socio-economic advantages of bringing this undeveloped parcel of land in to meaningful use then compliance with Paragraph 196 of the NPPF can be considered to be achieved.

3.5.23 Subject to conditions relating to (i) further details of the appearance of the pergolas, and (ii) Further details of the appearance of the masonry walling and any sound insulation surfacing, the proposals are considered to respond positively and would leave the Darwen Town Centre Conservation Area unharmed. Furthermore, the proposals serve to help secure a long term viable use for the otherwise vacant premises.

3.5.24 Highways:

Policy 10 of the Local Plan Part 2 deals with accessibility and transport issues. Amongst other considerations, development will be permitted by Policy 10 where it has been demonstrated road safety is not compromised and appropriate off-street servicing and parking in accordance with the Council's adopted standards are achieved.

3.5.25 The application site has previously functioned as a car park, prior to the disposal of the land by the Council. A number of the public objections cite the loss of the parking facility, though given the site is now in private ownership there is no obligation for the land to remain as a parking facility for use by neighbouring premises or the general public.

3.5.26 The Council's highway officer has indicated that due to the town centre location of the site there would be no parking requirement generated by the additional bar facility. Similarly, it has been confirmed that the amended site plan does not impinge on to any adopted highway.

3.5.27 Public objections include concerns that the new walled structure will prevent vehicle movements along Bath Street, as well as leading to the temporary blocking of the unadopted highway that serves the rear of properties on Bridge Street. In the first instance, as has been confirmed by the highway officer, the proposals do not impinge on the highway, rather it is a reliance of the vehicles passing along Bath Street to overrun the site. Given this amounts to a land ownership issue the Council cannot obligate the applicant to allow these vehicle movements, as such, refusal cannot therefore be warranted. Similarly, with the temporary blockage of the unadopted section of back street on the western boundary of the site, that has been raised by the objectors. Any blockage due to patrons moving to and from the bar to the beer garden will be short-lived. Given that the adopted section of the back street is short and is a dead-end there would be no obvious conflict with highway safety that cannot be satisfactorily managed. Complaints relating to blockage of the back street by parked vehicles or bins are noted, though given this appears to be

an ongoing issue unrelated to the proposed beer garden use then refusal of the current application cannot be substantiated.

3.5.28 The servicing needs of the business are unlikely to alter significantly given the beer garden expansion. It is anticipated that this will occur from Church Bank Street as has been the case previously when the informal parking area was already in use, or when the site was in use as a temporary drinking area (as approved by 10/20/0608). This arrangement to be serviced from the street is not uncommon for other businesses in the immediate locality and can be accepted without obvious detriment to highway safety.

#### 3.5.29 Summary

This report assesses the full range of material issues affecting this planning application to inform a balanced recommendation that demonstrates compliance with the Development Plan and The Framework.

## 4 RECOMMENDATION

### 4.1 Approve subject to:

**Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:**

- 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.
- Prior to the commencement of development hereby approved, details of the sound insulation properties and appearance of the boundary wall materials shall be submitted to and approved in writing by the LPA. The development shall be in accordance with the agreed details  
REASON: To mitigate the impacts of noise and to ensure the external appearance of the building is acceptable within the conservation area in accordance with Policies 8, 11 and 39 of the Blackburn With Darwen Borough Local Plan Part 2.
- Prior to the commencement of development hereby approved, precise details of the siting and appearance of the pergola structures shall be submitted to and approved in writing by the LPA. The development shall be in accordance with the agreed details
- REASON: To ensure the external appearance of the building is acceptable within the conservation area in accordance with Policies 8, 11 and 39 of the Blackburn With Darwen Borough Local Plan Part 2.
- The use of the outdoor seating area shall be restricted to 10am to 10pm daily.  
REASON: To safeguard the amenities of the nearby commercial and residential properties in accordance with Policy 8 of the Blackburn With Darwen Borough Local Plan Part 2.
- There shall be no external amplified music within the outdoor seating area at all times.

REASON: To safeguard the amenities of the nearby commercial and residential properties in accordance with Policy 8 of the Blackburn With Darwen Borough Local Plan Part 2.

- There shall be no floodlighting within the outdoor seating area unless a scheme is submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented and retained thereafter.

REASON: To safeguard the amenities of the nearby commercial and residential properties in accordance with Policy 8 of the Blackburn With Darwen Borough Local Plan Part 2.

- Prior to first use of the beer garden, a landscaping scheme, including details of hard surfacing, shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented in the first available planting season following development.

REASON: In the interests of visual amenity in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

- Construction shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To protect the amenity of residents in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

## **5 PLANNING HISTORY**

5.1 10/20/0608 – Certificate of Lawfulness: Temporary use of the land for outdoor drinking area (Approved August 2020)

5.2 10/15/1152 – Full Planning Application: Change of use from Office (B1) and Residential (C3) to drinking establishment (A4) involving modifications to front facade and internal alterations (Approved March 2016)

## **6 CONSULTATIONS**

### **6.1 Heritage & Conservation**

Overall I find the harm to the CA to be of a moderate scale within the definition of 'less than substantial' and therefore needs to be assessed under P.196 of the NPPF. The LPA can consider and weigh the harm against any public benefits of the development.

### **6.2 Public Protection**

No objection subject to the following conditions:

- Use of outdoor seating area restricted to 10am to 10pm, daily.
- No external amplified music
- 4m acoustic barrier with sound proofing details to be agreed.
- No flood lighting within the outdoor seating area unless approved in writing by the LPA
- Construction hours restriction, 8am to 6pm Monday to Friday, 9am to 1pm Saturday, no site operations Sundays and Bank Holidays

6.2 Environmental Services  
No objection

6.3 Public Consultation

In accordance with the provisions of the Procedure Order, 47 neighbouring premises have been consulted by letter, site notices displayed and press notices issued. The consultation process has been repeated following the receipt of amended details. 16 letters of objection have been received and 21 letters of support, they are set out within section 9 of this report.

6.4 Highways:

No objection. Revised scheme does not impinge on any adopted or unadopted highway. The town centre location of the development negates the need to provide parking in accordance with the Council's adopted standards.

**7 CONTACT OFFICER: Martin Kenny, Principal Planning Officer – Development Management.**

**8 DATE PREPARED: 9<sup>th</sup> November 2020.**



## 9 SUMMARY OF REPRESENTATIONS

Objection - Gillian Fox - Bridge St Chiropody, 9 Bridge Street, Darwen. Rec – 17/06/2020

My name is Gillian Fox and I am the owner of Bridge st Chiropody and the co/owner of the premises at 9 Bridge st Darwen.

I am e-mailing after receiving a letter regarding the planning applications mentioned above.

The first one 10/20/0459 is for the use of the land on the corner of Bath St and Church Bank Street adjacent to Cin to be an outdoor drinking space, I have looked at the plans online and could not find how to comment on the actual planning portal, I hope this e mail counts as a comment/objection.

Firstly as a neighbour and property owner on Bridge Street why were details of the proposed sale of this plot not made available, I was unaware this land was for sale as were other residents of Bridge St, how was this land sold without anyone knowing it was for sale and having the opportunity to bid for it as it impacts on surrounding businesses who used the area for close access to their business, this seems a little clandestine and somewhat covert.

I would like to officially object to the proposal as I do not think that outdoor alcohol consumption is appropriate in a residential and retail setting and adjacent to two funeral parlours and a clinic and close to a secondary school, the area already has problems with anti social behaviour from youths including vandalism and drug use (the police have been involved on several occasions) and this structure will provide another target for such behaviour and will create an unseen space to it's rear for the congregation of youths to take drugs and take part in acts of vandalism.

I object to the plans somewhat creative attempt to say the plans will be in keeping with the Town Centre Heritage, a rusting metal box and place where people get drunk and intoxicated is definitely not going to enhance the local area. To have an outdoor 'Rave' every week for several nights is unacceptable, the plan drawings clearly show a DJ on a raised platform, a back alley next to a funeral parlour is not an appropriate setting for an Ibza weekender, along with the associated litter and leary behaviour it will also attract rats and other such vermin, I have seen rats in the area many times already and fear this will increase the problem. Drinking on the streets is surely anti social and this is more or less that with loud music thrown in. This is definitely not in keeping with the townscape heritage project.

My Chiropody clinic is mainly used by elderly and infirm patients and there are two funeral parlours in the immediate vicinity.

Darwen Live is a yearly event with open air drinking and music, it always impacts on the town centre but as a once a year event is acceptable, this proposal wants the same kind of event every week.

It has also been brought to my attention that the manager of Cin Cin who's name is on the planning application has been canvassing other local business owners telling them the events planned in this space will only be limited to occasional Saturday afternoons and early evening but the plans clearly ask for opening hours from 10am to 2am Monday to Saturday and Sundays and Bank Holidays. This is misinformation intended to mislead other businesses into

believing that the site will not impact on them.

The other planning application 10/20/0415 is similarly requesting permission for outdoor drinking space and I would like to object to the folding doors next to the music DJ and dance floor which when the doors are open will create a similar problem to the cin cin proposal, imagine the two of them competing to get their music heard over each other.

I realise that I have missed the deadline for complaints for these plans but because of the Coronavirus lockdown did not get the letter about the plans till the deadline had passed, was this done intentionally knowing that many businesses would be closed and therefore unaware of these planning applications?

To sum up a smoking shelter and current cordoned off outdoor space already used to the front of Cin Cin is enough, if they need a bigger bar they should move premises, I have very strong and serious misgivings about what is proposed on these plans and the impact it will have on noise, access, the local environment and the encouragement of anti social behaviour, and a shipping container is definitely not acceptable. What will happen if it failed as a venture, (the original owner of Cin Cin had the receivers in,) if it falls into disrepair and a rusty metal container is left on the street, who will take it away?

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Objection - Gillian Fox - Bridge St Chiropody, 9 Bridge Street, Darwen. Rec – 25/09/2020

Hi

Further to my original objection and after looking at the amendments put forward on the plans I still have objections.

The planned amendments are barely different from the original plans. I have serious misgivings about the erection of walls and placing a shipping container in the space. This would still lead to the creation of unseen areas which would attract youths intent on anti social behaviour. The town centre has a problem with this already, (see the Lancashire Telegraph 2nd September) with youths causing the removal of temporary toilets from the town centre after setting fire to them. This is only one example of many incidents. The shipping container will screen off parts of Bath Street which will provide cover to anyone intent on vandalism or burglary or drug use, if the amended plans did not have a shipping container in them and had an open see through fence rather than a brick wall it would not be so bad, many business owners and residents use the area to the rear of this proposal to park their cars and I would find it very worrying going back to my car at night after a late clinic, it is frightening enough now but if it becomes an enclosed space it will be even more dangerous. I still have misgivings also about the limited toilet facilities and people urinating in back alleys.

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Dear sir

I write in connection with the above planning application. I have examined the plans and i know the site well as i run a well established ladies boutique, on 23 Bridge street Darwen and have been at this address since July 2019, but have had the business within Darwen Town Centre since November 2016.

Although i have not received any correspondence in writing or otherwise from yourselves in relation to the application, i am fully aware of the proposed plans.

I wish to object to the development plans for the Bar in this location.

I don't believe that having a bar on a former car park (that is currently used by local business for parking and is not nor has ever been waste land), will add or improve character or quality to the area, i do not feel that Darwen Town centre needs another bar/drinking establishment. As a small business owner in the Market town of Darwen, i am very passionate about what our lovely town has to offer to all visitors not just those of an evening.

We have many if not too many drinking and eating establishments within the town but what do we offer to entice visitors to the area other than alcohol and takeaways, this is not what our town should be known for.

An outside drinking establishment will bring anti-social behaviour and nighttime disorder to the area, as this is already a problem on a weekend for local Policing as they have to show a great presence in and around the Town centre, of an evening and at a weekend, as Darwen has become a very popular with it's nightlife. I have experienced my own difficulties with anti-social behaviour at the rear of the shops and on a weekend morning, where i have been met with drug paraphernalia, a huge amount of blood, broken glass, and used condoms. A further influx of visitors to this area will only further add to the issues.

I was lead to believe that the proposed plans would be a beer garden/ seating area and the container would be used to store the tables and chairs and this would be between the hours on 1pm and 8pm, this is clearly not the intention from the submitted plans. As stated on the plans and in the Lancashire Telegraph this is to be a Bar/drinking establishment with a DJ and speakers on top of the container & roof terrace, & between the hours of 10am til 02.00am, seven days a week.

looking at the plans i am very concerned re the access to and from my business address front and rear, as on a weekly basis sometimes up-to three times a week i unload or receive delivery's to the rear and front of the shop. I also open late on a regular basis. The proposed roof access to the container will impact on my privacy to the rear of my shop, and will also shadow my access to light. Access to the rear of the shop has already been a problem causing me to not only damage my own car but someone else's vehicle due to the struggle of coming and going at the back of the premises, this is due to the metal barriers that are currently in place, this will become more difficult should a high fixed structure be put in place. This area is also very poorly lit without something further blocking any lighting out. During February 2020 i could not access the rear of the shop to unload goods, therefore i used the front of the shop on Bridge street to unload and received a parking ticket in doing so, The rear access to the shop and adjacent property's needs to be maintained as a clear access route for emergency vehicles at all times and the proposed development will prevent this from happening.

I wish that the above concerns be consider prior to any planning decisions being made and i look forward to your response in due course.

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Dear Mr M. Kelly,

We write with extreme concern over the development and change of use of the vacant land to NE (side) of Cin Cin, 1A Church Bank Street, Darwen. BB3 3HA

1. First, the development will create a lot of noise, both from people laughing and chatting and undoubtedly music playing.

We have people visiting the Chapel of Rest to be with their loved ones, who have passed away. These families come at all hours of the day and evening, seven days a week. It would be absolutely disrespectful, for music, laughing and chatting being heard in our rest rooms.

We also, hold services in our main Chapel. So, to conclude this first point that we operate 7 days a week and 365 days a year, as people pass away at all times and visit our Chapel at anytime of the day. (As we offer a 24 hour service).

2. We have issues, even at the moment with vehicle traffic, parking in front of our doors and not adhering to the white H-BAR's we have.

This development will have an adverse effect on keeping our building entrances clear at all times, day or night.

Just to make this picture clear: We move people who have passed away at all times of the day, that could be 3 in the afternoon or indeed 2.30 in the morning. When we get back to the Chapel of Rest with a deceased person, the last thing I want to do is start searching for the owner of a car that has parked in front of our entrances, with a cadaver in our ambulance.

On certain occasions we have families which follow me back to the Chapel of Rest (even at 10pm or some unsociable hour) after collecting their loved ones from their home.

I can't (if our entrance is blocked), leave them to wait, while I find who's car it is. Totally disrespectful.

3. We have seen on our Camera system anti social behaviour, with people urinating up against our building after drinking at the local bars in the area (because of lack of

toilet facilities). Once again, this is totally unacceptable.

If this development goes ahead in any shape or form, this point will become far greater.

4. Between our building (corner of Church Bank Street and Bath Street) to the development, we have seen vehicles struggling to navigate this area.

We are convinced, that an accident will happen in this area, as vehicles back out onto Church Bank Street and go close to our building (just inches) from our wall.

If we ever needed to clean our gutters or have a repair on our building, this area would need scaffolding (because of the height) and this would block off completely the businesses at the bottom end of Bath Street and the residential flats as well.

5. We have seen last year, on the area in question, live music on this site. (blocking off Church Bank Street) and having a complete street party.

We did not know what to do at the time about it. To phone the police or inform yourselves, but you all would have replied that this is a civil matter and when this takes place on a Friday/weekend it would be too late anyway as the event had already taken place.

It was very very difficult for us to deal with at the time.

6. We have been here on this site since 1871 and have had thousands of people pass through our doors. I find it so hard to understand, why such a development would be acceptable next to Darwen's Principle Funeral Directors in a Conservation area.
7. Back in 1871, Funeral Directors were put on back streets (like Church Bank Street) so people had quiet time, away from the hustle and bustle of people. People still in 2020, want quiet time as well (nothing has changed there) accept now, a development wants to appear right next door to our Chapel of Rest and alter, the respected and sensitive nature of our business.

The area in question needs to be used as a car park for their own clients and deliveries and that is the only suitable purpose for this area.

To conclude: You must use empathy on this, as if your own family were in my Chapel of Rest.

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**Objection – Edwin Ainsworth Ltd, Funeral Directors, Church Bank Street, Darwen. – Rec – 22/06/2020**

Dear Mr Kelly,

I have previously wrote to you about the proposed development at the NE (Side) of Cin Cin, 1A Church Bank Street, Darwen. BB3 3HA.

I have discovered, that when the land was sold, by the council, in June of last year, the Special Conditions of Sale, stated that: The Buyer shall not use or occupy the property or any part or parts thereof or permit or suffer the same to be used or occupied for any purpose other than as a car parking. Clause 10. USE & Clause 10.1. Clause 11 Disclaimer. & Clause 11.1. The buyer admits that.

I think that when the council sold the land, they knew about the covenant on it. It basically states that he can't have alcohol on the Land or an Inn or any other establishment of this nature be put there. It is highlighted with an asterisk on the same line as the statement about the above.

I would expect the Council to abide by its contractual obligations.

Therefore a planning application of any sorts other than the permitted use is the only way forward.

The planning application needs to rejected strongly on this point.

If it was not for the above information, I could go on and on about different reason, why these plans should not proceed in any way, but I think the above speaks for itself.

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Objection – Anonymous – 2 Bath Street, Darwen. Rec – 22/06/2020

I was approached by Dominic Holmes with a picture of his plan and a form to sign agreeing with the proposed development. It was explained to me that it only involved a small drinking area and would operate from 1pm to 8pm and stated there was no bar. I initially signed the form based on our friendship but when I checked the planning application online I was shocked to see that the picture I was shown had nothing to do with the actual pictures online. I feel I have been misled with the information he gave me and wish any signatures presented to planning be totally disregarded and wish to object to the development.

I wish to object to the above application for the following reasons. I currently reside at number 2 Bath St. The proposed development is directly across from my entrance and my bedroom window literally looks over the back end of the site (where the shipping container is). The noise will obviously be unacceptable and it concerns me that a drinking area of any description would be totally inappropriate to say the least.

If the development goes ahead it will add to the already existing antisocial behaviour in the town centre area. There's already many bars in close proximity to me in the town centre area and I would rather not have one directly under my bedroom window. I do not wish to be faced with a great big wall right outside of my view as this will overshadow the area outside my entrance and window. I am a single lady in my 60's and attracting this level of crowd directly outside my only exit does not build me with confidence in continuing to reside at this property.

Another important factor to consider as this is my only route in and out of the flat should there be an emergency the relevant services will need to be able to access the area safely.

The land in question has been successfully used for parking by shoppers/ tenants and business owners. The businesses around that area also make use of this space to receive and provide deliveries. If a permanent structure is put in place this will no longer be possible.

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Objection – Mr & Mrs Arnold, 23 & 25 Bridge Street & 2 & 2A Bath Street, Darwen. Rec – 22/06/2020

**RE: 1A Church Bank St – Change of use of vacant land to A4 - 10/20/0459**

**Firstly, I would like to make the following observations:**

1 I would request that the period of consultation be extended to allow for the fact that myself and other residents and businesses in the area were not aware of the proposal. We became aware by reading the article in the Lancashire Telegraph. The majority of the businesses were closed during lock-down and had not attended their premises in this period – therefore they had not received any of their post – in fact many of them, including myself, have never received this letter. It has taken word of mouth for us all to become aware of the proposal. As I write this, some business still do not know anything about it. It is only fair that we are all given enough time to respond formally to those notification letters. We feel a consultation with surrounding businesses is important in order to gain further understanding and insight of how vital it is to keep its current purpose and what it provides for the area of Bridge St/Town centre.

**2** I would also like to state that there appears to be some misrepresentation of the facts. Some of my tenants and other shop owners on Bridge Street have been approached by Dominic Holmes and shown a picture of a proposal. They have then been asked to sign a piece of paper to say they have no objection to this. I attach a copy of what he has shown to them. The opening times he quoted to those people were 1 pm to 8 pm and he also stated that there would be no bar and that the details of the project as outlined in the actual proposal were not as published in the Lancashire Telegraph article. Many of them signed the paper and did not check the proposal submitted on the portal, taking Mr Holmes' word for the situation. Why he did this is open to interpretation. I understand from some of them that they now feel he has used their friendship to his advantage. If a signed declaration is submitted as evidence to support the proposal by Mr Holmes, you should be aware that since this has come to light the people he approached will be withdrawing their support after viewing the application online.

**3** Furthermore, I would like to state that the car park (and that is what it has been used for, successfully, for a considerable amount of years) was not advertised nor offered for sale. No notice board was ever put up and no sale board was ever present in the 5 years I have spent in that area. This is obviously a separate issue, but it certainly is a cause for concern if the land was obtained without going through the normal process.

Also, the car park was purchased and signed for under the agreed terms of use - to be used as a car park only. As this has not been the case and it has been used for events is this not a breach of contract? Does the council have a duty to enforce it? Should we therefore expect our local councillors to enforce the contractual obligations – Otherwise what is the purpose of a contract.

**4** The title deed shows a clear boundary line which ends at 19/21 Bridge St, the back of the property known as Bath St. This clearly shows where Friar Rugs Chip shop ends. However, the measurements on the proposal plans appear to go beyond this point and come as far as our property which is 23/25 Bridge St also known as Bath St. at the rear. You can clearly see by the design that the whole area has been included and the size quoted on the proposal goes beyond the piece of land that has been purchased. The alley includes a dwarf wall which separates the alley from the car park in question which also appears to have been included in this proposal. We seek clarification from

highways/council. Our understanding is that the car park is owned by Mr Holmes however the back alley/dwarf wall is not. The wall has been altered and lowered to create an entrance onto the proposed car park and we are querying whether this is allowed. Also, two door openings have been recently created in the space of two weeks on the side of the Cin Cin building, these are to accommodate his plans for the external area (car park). Can we please have some clarity/transparency around these issues as the land was purchased from the council.

We object to the above application on the following grounds.



### **Noise/Disturbance/Anti-social Behaviour**

We have two residential flats (2 & 2A Bath St) and two commercial shops (23 & 25 Bridge St) with the access and entrances on Bath St. There are also other residential flats above the commercial properties in that area. We are bound by the Residential permit license (Selective Licensing) that Blackburn with Darwen council brought into effect to combat the increasing number of problem tenants and landlords because of increased anti-social behaviour. They decided that this area starts on our side of Bridge St. and continues right up Church Bank St and beyond. Therefore, we are included in this area and agree with the principle behind it. Now we are faced with a significant development right outside our properties that will directly contradict the fundamental issues that the Council are trying to stamp out. We keep hearing that 'noise' is expected in a town centre but there is a reasonable assumption that the result of this development in any shape or form will go above and beyond the noise levels that people would ever consider acceptable!

Although you allow for noise when choosing to live in the town centre area you do not expect to live next to an open air bar and beer garden as close as approx. 7 metres from your bedroom window which would be the scenario in this case.

As you can appreciate, even without music, groups of people can generate a significant amount of noise. For example the Wetherspoon (chapel) in Darwen Town Centre they have a double set of doors and although they do not play music, when you open the inner doors the noise hits you straight away and is intensely loud.

We are deeply concerned that if the change of use of the land to A4 is granted (i.e. drinking establishment), then over time the use of the premises will be further adjusted/amended and will end up becoming an open air dance/disco venue.

Mr Holmes has in the past organised some 'events' on the car park and if the negative results of these are anything to go by, it will not be good news for the residents and businesses in the area. We have unfortunately witnessed these planned and unplanned 'events' taking place on that car park area which have involved a full DJ set up which has gone on into the early hours (these clips are available on Instagram). I also have copies.

These 'parties' have got out of control as once there is a large crowd fuelled with alcohol it becomes difficult to have a controlled environment and there was NEVER any consideration for anybody living in the area or trying to run a business whatsoever. We were never given notification of any such events going taking place and we found out about it the morning after.

Also, bear in mind that The Bank bar new development has also requested an outdoor area and this is located directly opposite Mr Holmes proposal. The noise generated by the two will be excessive. There is also the increased parking element for the Bank staff and the Cin Cin staff/ where are all these people going to park. Currently the Cin Cin use the car park for their customers and staff who leave vehicles overnight.

This amount of noise will travel and not only disrupt the residents on Bath St and Bridge St it will also have an impact on the surrounding properties i.e. Victoria St and Church Bank St. There are already plenty of bars in that area and there is no need for another.

#### **Who is going to Police all of this??**

When you look at the concept of the design you can plainly see that it does not have the intention of a beer garden because of the sheer lack of seating. It does not give the appearance of any beer garden I have ever seen. It seems more like an open-air club. Two of our properties have windows directly overlooking the car park and apart from the noise being a major issue the artificial light hitting our building and our neighbour would also be a huge issue and we feel should be taken into account.

We are also concerned that it will attract anti-social behaviour on a larger scale, as already, on many occasions we have had to clear up broken glass, drug paraphernalia, sexual paraphernalia, wash away blood, sick and this is all from the weekend activities around the entrance to our properties.

Also, by putting a permanent wall right in front of the businesses located behind it, (including our properties) this creates a blind spot from the road. The area is currently poorly lit as it stands to have built up walls around will impair visibility from the road and create a perfect shielded spot for antisocial behaviour gatherings. Currently there is a clear view from the road, and we have provided security lights on all three of our entrances just to help with the visibility issue for our tenants and deter any antisocial behaviour.

#### **Conservation/Heritage**

Darwen has a unique character. The proposal is within a designated conservation area. Any development proposals should therefore always have the objective of preserving or enhancing the character of this conservation area. It is the councils' duty to protect the special character of the area.

We feel that this proposal goes against these principles and it is the absolute opposite as to what the conservation/heritage is all about – it does not respect the historical context of the area. The proposal has no link/provides no continuity towards the conservation objectives and it will create a stain on the local area.

As we have previously stated, it is not and never was a vacant site. This structure is unlike anything that has ever existed or been built before and therefore is not in keeping with the area. There is no regard to preservation of the area and the development will spoil its historic character. It doesn't matter how you try and disguise this project, it is a drinking and party area – any attempt at aesthetics simply doesn't work.

#### **Accessibility**

The land has been successfully used as a public car park for many years by shoppers/tenants and businesses who are now being forced to use other streets for parking i.e. Victoria St.

We already have the situation where shop owners cannot just simply load and unload stock to enable them to run their day to day business.

By putting permanent walls this affects the businesses located behind them (including our properties) and limits access, egress and fire and ambulance emergency routes.

These are the businesses affected which rely heavily on having access (Edwin Ainsworth Ltd, Bar Number 39, ICI club, Unique Kitchens, 23 Bridge, 25 Bridge St, 2 Bath St and 2a Bath St)

The space has historically been used as a car park successfully and allowed for turning of vehicles to off load their deliveries safely to the various businesses. If permanent walls are built (as per drawings) in that area this will create issues for everyone running a business located there and will jeopardise their existence.

The area as it stands cannot cope with the amount of traffic that would result from placing a permanent structure in the car park and also will prevent it from being used for deliveries and maintenance for all the businesses on Church St. (The Millstone, Bridgewater and the proposed). The Bank Bar & McColls supermarket also use Church Bank St for deliveries, this will cause a complete gridlock on the street. The Cin Cin and The Artisan obviously use the same area for their needs as well. The area becomes completely congested and the roads become blocked (Bath St & Church bank St). For example:

- a) Delivery trucks arriving at the same time for Bars in the area
- b) Trucks manoeuvring to get through/having to rearrange deliveries due to the road being blocked
- c) People arriving for a funeral or to visit chapel of rest
- d) Delivery for the joinery business
- e) People shopping in the area
- f) People attending the mosque for prayer
- g) Maintenance vehicles

On a daily basis, the above examples occur on Bath/Church Bank St - lorries try to squeeze through Bath St for deliveries, but the temporary fences don't allow them to manoeuvre safely and they have had to abandon their attempt. The proposed wall will stop these deliveries permanently and make access impossible.

At some point there is going to be an accident as even the smallest of vehicles are now struggling to drive in and out. Our tenants have caught the corner of their vehicles on the barrier fence and some have damaged other cars. Our tenants are growing increasingly frustrated because they are unable to off load stock. As they have very specific times where they are allowed to do this on Bridge St and it must be the same for the other businesses. There is no vehicle access on Bridge St during 11.30am – 3.30pm, all delivery trucks for all the businesses in the area drive down Church Bank St to off load. Since the carpark has been cordoned off the situation has got far worse giving them no option other than to reverse up Church Bank St. this is a great cause for concern and the safety issues here are obvious.

We have witnessed people arriving for a funeral and have not been able to park anywhere. We ourselves have had deliveries arrive who could not safely park or pull up to offload - we have had to rearrange another delivery time. Not ideal when trying to run a business especially in current times.

The need for businesses to continue to grow and thrive by being able to load and unload we feel far outweighs the need for any external bar/beer garden. Bearing in mind the number of bars in this small concentrated area of the town centre already and the fact that Cin Cin already is a very successful bar.

Finally, regarding utilities, as he owns the car park, is he planning to use the existing energy/utilities from Cin Cin or have new facilities installed? This does appear to be an unusual situation in that the Cin Cin bar is owned by a third party – Mr Holmes leases the property and the alcohol licence for the Cin Cin bar we believe is under the name of Andrew Shorrocks? Does Mr Holmes intend on applying for an alcohol licence?

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Objection – Mr & Mrs Arnold, 23 & 25 Bridge Street & 2 & 2A Bath Street, Darwen. Rec – 24/06/2020

I have forgotten to add to my objection. Whether provision has been made as to where the bins will be stored and kept, currently there's nowhere and therefore they are moved around on the road and just left out anywhere this includes the artisan bar bins although they do have a yard. Is there anyway that we are able to ask the bars to keep them in their yards, until when they are collected?

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Objection – John N Jacklin – Gorse Barn, Rock Lane, Darwen. Rec – 23/06/2020

**Reference 10/20/0459**

**1A, Church Bank Street, Darwen, BB3 3HA**

I wish to object to the proposed external area for seating and entertainment included in this application.

On the following grounds:-

- 1) The playing of music will compete with the proposed area of outdoor development under application 10/20/0415 by the owners of 8, Church Street, Darwen, BB3 2RE
  - 2) It backs onto a narrow street and will cause additional congestion.
  - 3) Parking is already a major problem in the area
  - 4) Blockage of working premises. The funeral chapel of rest is open all times and any blockage of their premises is unacceptable and disrespectful to families who need a quiet area when they have lost someone close.
  - 5) Loud music would disturb those grieving their loved ones in the chapel of rest especially if there is a service.
  - 6) There are sufficient places of entertainment in the area to cater for those who need relaxation.
  - 7) Probable increase in unsociable behaviour
-



Objection – Revd Kenneth Howles, St Georges Church, Mill Hill, Blackburn. Rec – 23/06/2020

Dear Sir

Re Planning Application adjoining Ainsworths Funeral Directors on 2 Church Bank Street  
Darwen.

It is with great sadness that it has been brought to my attention the proposal for licensed  
premisses to be allowed to operate directly next door to this flag ship company in our borough.

My sadness is because on numerous occasions I have attended Ainsworths Funeral Directors, at  
varying times in the night, with grieving relatives. I'm sure you would agree that the last thing  
they would want to hear is blaring music and rowdy crowds of drunken people as they come to  
term with losing a loved one.

This is a family run, respectable company that employs a number of people from Darwen and I  
would hate to see it be compromised by allowing the proposed application.

Please can you take into consideration the fact that this establishment has been serving the people  
of Darwen since 1856 and is often the first port of call when losing a family member.

I trust that you will do the right thing and reject this application on the grounds highlighted  
above.

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Objection – Terry Tennens, The National Society of Allied & Independent Funeral Directors.  
Rec – 23/06/2020

**Change of use of vacant land Cin Cin, 1A Church Bank Street, Darwen. BB3 3HA**

The National Society of Allied and Independent Funeral Directors (SAIF), is a professional  
association that represents over 1,000 independent and private funeral homes across the  
UK, with 1,800 outlets.

Families have chosen consistently in the past decades, over 70% of funerals are conducted  
by their local independent family funeral director.

Edwin Ainsworth Funeral Directors, is a very good example of a family firm, that has been  
serving the local community since 1871!

As a professional association, we have extensive experience of what matters to citizens as  
we have a Standards Committee that manages complaints as part of our consumer  
protection scheme for the customer.

Consequently, we have the strongest objections to planning consent being given to Cin Cin,  
not that we are opposed to Beer Gardens, rather the notion of a Beer Garden being located  
next to a long established funeral home fails to understand the unique role of caring for the  
bereaved when someone dies.

**1. Independent funeral directors are available 24 hours a day, 7 days a week, 365 days of the year.**

Funeral directors do not get to choose when someone dies, and often statistically more deaths occur during the evening and early hours of the morning. If a death occurs in the community at someone's home the vast majority of clients ask for their loved one to be moved to the chapel of rest at the funeral home.

Therefore, it is vital that private ambulances have accessibility to their premises at all hours of the day and night.

Social venues, such as a beer garden, will only increase traffic and parking problems. Also, there is a risk of anti-social behaviour which will only disrupt grieving families visiting the chapel of rest.

With the use of hearses and limousines for funerals amidst congested streets, this will only add to the stresses of managing a funeral, and creating unnecessary angst to funeral staff and families who wish to park and visit their deceased relative.

The planning application whilst well intended, lacks insight into how people grieve, and what it means to manage and conduct a professional funeral for the benefit of the community. The fact that the Council has not perceived a problem with a Beer Garden adjacent to a funeral home, reflects that lack of insight.

**2. Funeral Homes provide chapels of rest for mourners to visit the deceased.**

Some 10 to 15 years ago, funerals would occur within the same week. However, with different resource levels in crematoria and cemeteries; larger populations; and delays with documentation; and changing cultural behaviour about funeral wishes; the length a deceased person is stored in the funeral home has doubled from 10 years ago, and is on average 2 to 3 weeks in residence of the funeral home, sometimes longer. The impact of this is the deceased's family and close friends, will visit the chapel of rest often on several occasions. This will largely be outside working hours, evenings and weekends, as well as occasionally during the working day.

Imagine if you will, a family visiting the chapel of rest, grieving for their parent, their spouse or their child; whilst next door in the Beer Garden is loud music blaring out; or laughter, banter and raised voices of the social gathering in the Beer Garden.

This is the most troubling aspect of this planning application. How it is likely to disturb grieving families in inappropriate and with unintended consequences?

This is the most troubling aspect of this planning application. How it is likely to disturb grieving families in inappropriate and with unintended consequences?

We are facing a tsunami of complicated grief because of COVID-19 because people have felt cheated by the early death of a loved one, not being able to see them in their final hours because of social distancing; and finally cheated out of a fitting funeral for their loved one. We need to ensure people grieve in a supportive, sympathetic and soothing environment. Would a Beer Garden be suitable next to a bereavement suite in a hospital or hospice? A funeral home is at the end of a the healthcare management process, and needs to be taken seriously.

### **3. Edwin Ainsworth Funeral Directors social and philanthropic benefit to the community.**

Finally, it is worth stating that funeral homes become places of retreat to families that have used their services in the past.

Funeral directors offer free grief support and friendship groups. They participate in raising awareness of wider social needs, for example, Azheimers and cancer campaigns and support groups; and will fundraise for local causes.

Grief stricken relatives will often pop into the funeral home for a chat and cup of tea.

These and many other invisible ways a funeral home contributes to the local community and provides for the needs of those who are living with grief.

There is a risk that citizens in Darwin may be dissuaded to use Edwin Ainsworth Funeral Directors, because of the Cin, Cin Beer Garden if it develops a reputation as a loud and busy environment. When people are at their most vulnerable, they do not wish to be on view as they deal with grief and loss.

The impact it could have on a long established family funeral home needs also to be taken into account.

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We strongly reject this planning application and any future application that does not take into account of the caring and professional services of a funeral home, that has been in the community for generations; importantly, that serves the local community for those who face death, who are grieving and are supported by the amazing staff at Edwin Ainsworth Funeral Directors.

We ask that it is rejected.

Please do not hesitate to be in touch for further input.

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## Objection – Peter S Jackson – Rec – 23/06/2020

Dear Sirs,

I would like the planning committee to hear my objection to the above referenced planning application.

Over many years we have used the services of Messes Edwin Ainsworth Funeral Directors whose Chapel of Rest borders the proposed development and change of use. The use of a Funeral Director is never an easy time, needing a calm and reflective place to deal with the bereaved. This has always been the environment provided by the location of Ainsworth Funeral service. Meeting with the directors and visiting the deceased often occurs out of hours and at the weekend. Special visiting of the deceased prior to the coffin being closed, is available to the relatives the night prior to the funeral. This is to accommodate friends and family who may have traveled to Darwen the evening before.

If this application was to be granted then the music, noise and parking from an outside bar would certainly prohibit the reflective calm we should be facilitating the bereaved. All previous occupiers of the proposed area, both land and building, have been operating during normal hours. The previous building self contained its operating noises within itself which did not interfere with bereaved sorrowful time.

I would like the planning committee to consider how they would feel if attending a dearly lost relative at the last moments prior to the funeral and then be faced with a party atmosphere of loud music. Please reject this application on the ground of basic humanity.

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## Objection – Anonymous. Rec – 24/06/2020

Please keep my objection anonymous

Dear Sir

**RE: Application number 1A Church Bank St – Change of use of vacant land to A4 - 10/20/0459**

I wish to object to the above application for the following reasons. I currently reside above the shops on Bridge St. My concerns are that if the development goes ahead it will add to the already existing antisocial behaviour in the town centre area. There is also the noise aspect and artificial lighting, the structure is directly opposite my entrance, this looks onto this space. There are many existing bars already in the town centre area and I would rather not have such a large open-air structure directly opposite my entrance. I do not wish to be faced with a great big wall right outside as I step out of my door this will overshadow my outside area and entrance. Attracting this level of crowd directly outside my only exit does not make me feel assured in continuing to reside at the property. Not to mention the fact that as this is my emergency route in and out of the property. My other concerns are also that the structure will create a blind spot from the road which will encourage antisocial behaviour at the back of it and this is where I normally park my car I would not rest easy in knowing this.

The land in question has been successfully used for parking by shoppers/ tenants and business owners. There are also businesses at the back of the proposed structure which will need access not only for deliveries but also in case of fire/emergency and a gap wide enough would need to be kept in order to allow for a fire engine for those positioned at the back of it. The area is not only used by these businesses but also by the ones located opposite and on Bridge St to receive and provide deliveries. Not to mention the Chapel of rest next to the proposed structure. If a permanent structure is put in place this will no longer be possible which will have a knock-on effect on their day to day survival.

Your sincerely

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## Objection – Phil Coughlin, Bridge Street Sports & Social Club, Darwen. Rec – 25/06/2020

Dear Sir's,

I write to you reference planning application 10/20/0459 – Change of use from a car park.

After closely looking at the planning application and discussing with members of the committee and staff, we have a few issues that we would like to raise.

1. Our main issue is the delivery of beer from the brewery. We currently contracted to Heineken as our main supplier and only being a small business compared to some, we are unable to determine the size of vehicle used, or the time of delivery. At present, a mobile fence has been placed around the perimeter of the land to which the application has been made. However, when our deliveries arrive, the fence has had to be moved to enable our draymen to deliver to our cellar. If a permanent wall is erected, our draymen would not be able to drive down bath street for deliveries. This would mean either blocking the road while they deliver the 22 gallon kegs to the cellar. Not only is this causing an obstruction, it is a health and safety issue in moving the large heavy kegs the distance of bath street. Alternatively, they could drive round the front of the building and delivery through the front door. This is a pedestrianized area and has limited access for deliveries. The front of house is a carpeted area, not designed for rolling beer kegs across it. We also have the added issue of carrying the kegs from front of house area to the cellar via steps, again a health and safety issue with the size of the required kegs.
2. Our concern is also that if our draymen aren't able to drive down Bath Street, how will the fire brigade manage in the case of an emergency? Behind our premises, is a wood shop, they also have their main access via Bath Street, and have large wagons for their deliveries in which they have had to move the mobile fencing too.
3. Toilet facilities: Looking at the plans, no allowance has been made for toilets. If you have up to 60 additional people in the outside area and Cin Cin is full too, where are people going to go to relieve themselves?
4. Noise: The application is from 10am to 2am. We are concerned that people will be making too much noise. The properties next to ours have living accommodation and nearer to the proposed development than we are. We have chosen to add extra soundproofing where our building joins theirs to reduce noise and disturbance. We feel that with an outside venue, you are unable to turn down the volume of people talking and more so once that have had a few drinks.
5. Loitering: we have concerns that people may start loitering down Bath street and use for the purpose of taking drugs and other illegal substances. Bath street currently does not have street lighting and has many out of site areas.
6. Size: The artist impression appears to be taking up some of the car park spaces at the back of 25 and 23 Bridge Street. This may not be the case, but it is unclear from the artists impression.

If you have any questions or would like to contact me to discuss the above, please give me a call on the above number, leave a message if no answer and I will call you back).

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## Objection – Phil Coughlin, Bridge Street Sports & Social Club, Darwen. Rec – 20/08/2020

I am writing to you in regards to the land on Bath Street off Church Bank Street, Darwen. I apologise if this is not your department, if this is the case, please pass on to the relevant person.

This land has previously been for large vehicles to turn while delivering to the supermarket on Railway Road and more recently just as a car park.

I am led to believe that this land has also been up for auction (which I or many of our neighbours had not been made aware of) and purchased by the owners of Cin Bar on Church Bank Street. Since looking into this, I noticed that under article 10 of the Auction Conditions of Sale, this land is to remain as a car park.

### “10 Use

10.1 The Buyer shall not use or occupy the Property or any part or parts thereof or permit or suffer the same to be used or occupied for any purpose other than as a car parking.”

I am fully aware that an application for ‘Change of Use’ has also been submitted (that I have submitted my objections to) and when I last checked, this application has not yet been approved.

Ever since the lockdown, Friday March 20<sup>th</sup> We have not yet reopened. However, all the beer we had in our cellar has had to be disposed of. Last week, Friday 14<sup>th</sup> August, we had the Brewery Draymen turn up to collect all the full and part full kegs of beer. Our cellar is and has always been at the back of the building and only access to get the beer to the cellar is via Bath Street.

I’m not sure if you have been near or around bath Street recently, but the land is not currently being used as a car park. As such, with people now returning back to work etc. and not being able to park there, we are now seeing vehicles parking down Bath street at the back of our building. We are also seeing vehicles parked up Church Bank Street which then causes issue for our drays driving down Church Bank Street, for the Funeral Director when having visitors to the Chapel of Rest and in trying to get the hearse out for their funerals. The temporary fencing laid out by the owners of Cin (which to me appears to be over the boundary limits), is making it impossible for our draymen to navigate their vehicle to our premises. On Friday 14<sup>th</sup> August, the draymen had to park at the end of Bath street (Blocking Church Bank Street and the funeral Directors) to enable them to load their vehicle. Not only is this a hazard, this is also an health and safety issue in the distance they had to move the kegs of beer, some of them holding up to 22 gallon (176 pints) of beer each.

I understand that during the current climate and with social distancing, the outside space is perfect to place their clientele, but:

- 1). The change of use has not been approved.
- 2). This is causing anger and frustrations amongst the neighbours
- 3). It is restricting access to property owners who have their businesses off Bath Street.
- 4). When the temporary fencing is being moved to allow vehicular access. People are being verbally confronted by the residents of Cin Cin informing them not to move the fence.

We are looking to re-open the Sports Club soon so please advise on what action we can take to allow our Draymen access, with their vehicles to our premises?

In the short term and in the way of a temporary compromise, could you instruct Cin Cin to reduce their current outside area by half the width? This will allow enough room for our artic wagons to be able to deliver to our cellar.

Long term, I still strongly object to the change of use.

On a separate note:

How come the land came up for sale / auction in the first place without the residents in and around the area knowing about it? Shouldn't we have seen a 'For Sale/Auction' sign on the land for a period prior to the actual auction date?

Please advise on both topics

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Objection – Phil Coughlin, Bridge Street Sports & Social Club, Darwen. Rec – 24/09/2020

Hi Martin,

I am writing in follow up to the above mentioned planning application and after receipt of your letter dated 14<sup>th</sup> September 2020.

I have a big issue with the proposed new development in regards access to our premises, mainly around our deliveries. I have pencilled together a couple of crudely scaled images of access as a car park and access based on the new proposals.

Due to the width of the road and the required turning circle for our Dray wagon, with the new proposal, our dray wagon will not be able to deliver to our cellar.

With the current layout of the site and as per the attached email sent to you previously, we had an issue when the dray arrived to collect the barrels that was spoiled due to the original lockdown. The dray wagon had nowhere to park and ended up blocking access to the funeral parlour. This didn't go down well with the funeral director as they had a visitor to the Chapel of rest who struggled getting in their building.

For info: Each kegs that we have delivered hold between 88 pints and 176 pints, each weighing 92lb (42kg) and 184lb (83.5kg) respectively. If the dray has to park on Church Bank Street, the distance they have to manually manoeuvre the barrels at least 42m (138ft). With each delivery, we could have between 10 to 14 of these kegs. From a Health and Safety perspective, manually moving this weight, over this distance, is far from ideal, especially up to 14 times.

If the dray truck is unable to reverse up to the cellar doors, it will need to park on Church Bank Street. As the funeral parlour on the corner of Bath Street and Church bank street requires access 24 hours a day, 7 days a week. They are unable to park there, this will add additional distance for the kegs to be man handled. Unfortunately, the dray wagon can't park on bridge Street as this is a predstrian street and we have no access to the cellar from the front door.

If the new proposal was narrower allowing our dray wagon to manoeuvre down bath street then I don't see an issue, but as it stands, I do.

Looking at the current use of the car park, although this is only temporary, the portable fencing is currently over the boundary lines making bath street even narrower.

Luckily, we have been refurbishing our Bridge Street Sports & Social Club (formerly ICI club) during the lockdown and have not needed access to the cellar. This is all set to change as we are looking to reopen in the next few weeks.

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21. 6. 20.

Dear Sir,

I wish to object to the Planning Ref. 10/20/459 for a Beer Garden - Entertainment Area. This is too near to the Premises of Edwin Curisworth Funeral Chapel of Rest - also the road is too narrow - also Parking

Dear Sir,

We wish to state that we object to the above planning application on the grounds that the site is simply not suited for a Beer Garden.

1. It is located very near to a Funeral Chapel of Rest and the noise created would infringe on any solemn occasion. Grieving people going in or out or attending a funeral where they use the premises to leave with the cortege for either the Church or Crematorium.
  2. Traffic and parking in the narrow street is already a problem especially when deliveries are made to the Grocery Store nearby
  3. Finally it is, in what is a back street, and would lend itself to becoming a place of ill repute, and can you imagine the litter?
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Support – Numerous copies of letter received (21no).

support the planning application for the proposed development of a beer garden at Cin Cin, Darwen for the following reasons:

- The proposal will contribute to vitality and vibrancy of Darwen Town Centre and would respond to the changing demands of town centres
  - The proposal will contribute to the general goal of regeneration of Darwen
  - The proposal will create an active frontage that will improve the appearance of the area
  - The proposal will contribute to the legibility (identity) of the surrounding area hence will improve the character of the locality.
  - The proposal will not detract from the Conservation Area
  - The proposal will not affect the significance of any listed buildings
  - I am happy that the currently vacant site will be brought into use
  - Noise disturbance will not be sufficient to warrant refusing the application when compared to the existing town centre location
  - The proposal complies with the requirements of the Local Development Framework and should be Supported
  - the beer garden will provide an asset of community value
  - The proposal will not create any access or highways safety issues
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