

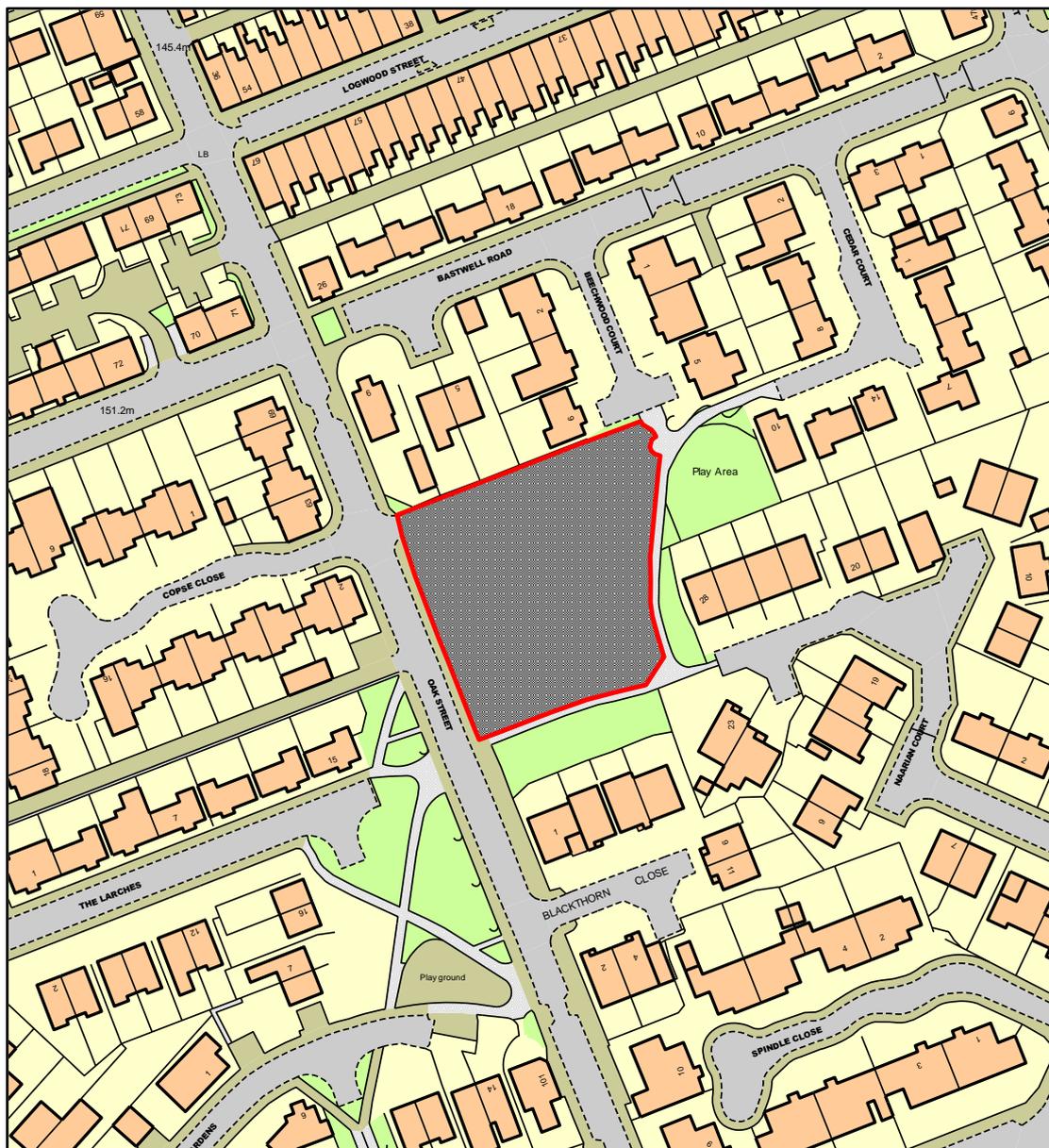
**Proposed development: Retrospective application for new ground floor level, ladies hall and basement level storage area**

**Site address: Madina Mosque, Oak Street, Blackburn, BB1 6NT**

**Applicant: Committee Secretary**

**Wards: Bastwell & Daisyfield**

**Councillor Parwaiz Akhtar  
Councillor Iftakhar Hussain  
Councillor Shaukat Husaain**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions and informative note detailed in Section 5.

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

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that a significant number of public objections have been received. The objections raised principally concern a lack of parking provision within the site and the potential for adverse highways implications to arise. Concerns regarding existing development within the site, the potential for adverse impacts on neighbours to occur, and surface water drainage issues have also been cited within the comments received. A summary of the public comments made is detailed below in Section 7.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 23 adjacent properties, on 07<sup>th</sup> January 2022. A site notice was displayed outside of the site, on 19<sup>th</sup> January 2022. In addition, neighbours were renotified by letter given the receipt of amended plans, on 25<sup>th</sup> April 2022.
- 2.3 The Council's development plan supports new community development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver a two-storey extension for the Madina Mosque. The submitted plans indicate that storage would be provided on the basement level with a ladies hall above. Construction of the development was well underway at the time of the initial site visit and the proposals are therefore partly retrospective.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
  - Ensuring the design, layout and appearance of the proposals are acceptable
  - Safeguarded the residential amenities of the immediate neighbours
  - Ensuring adverse impacts on the local highway network are avoided
  - Finalising the surface water drainage systems to be installed
  - Assessing the potential for ground instabilities from coal mine workings

### 3.0 RATIONALE

#### 3.1 Site and Surroundings

3.1.1 The application site is a religious building and associated land located within the settlement of Blackburn. Construction of the mosque was initially approved in 1997 and the site has been subject to a number of enlargements and alterations over the years, which are detailed below in Section 6. Vehicle access is gained from Oak Street, which is a predominantly residential road. Pedestrian access is gained from a number of points. Dwellings surround the site on all sides that interface the mosque at a variation of distances and angles.

Figure One – Satellite image of the site



3.1.2 The site comprises of a large two-storey building, associated car park and soft landscaped areas lining the east boundary. The building has an ornate construction with natural stone elevations, a grey composited panelled roof and grey uPVC doors and windows of varying shapes and styles.

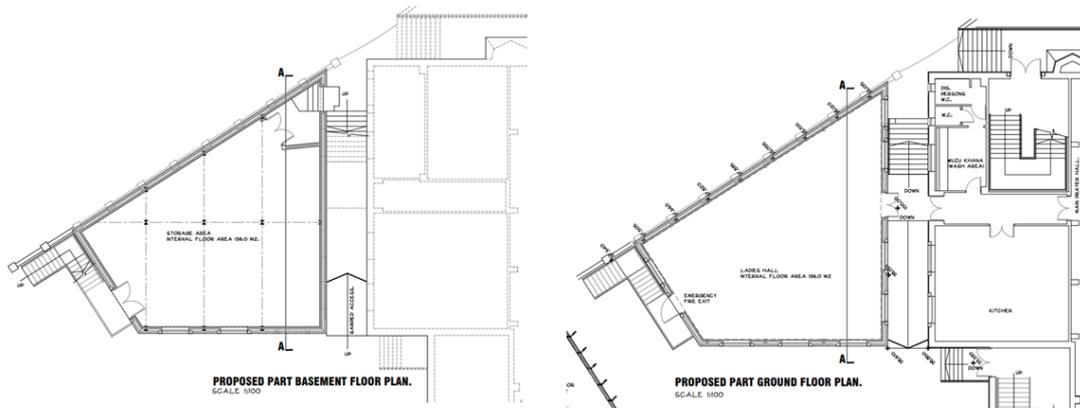
Figure Two – Location Plan showing the general extent of the site



### 3.2 Proposed Development

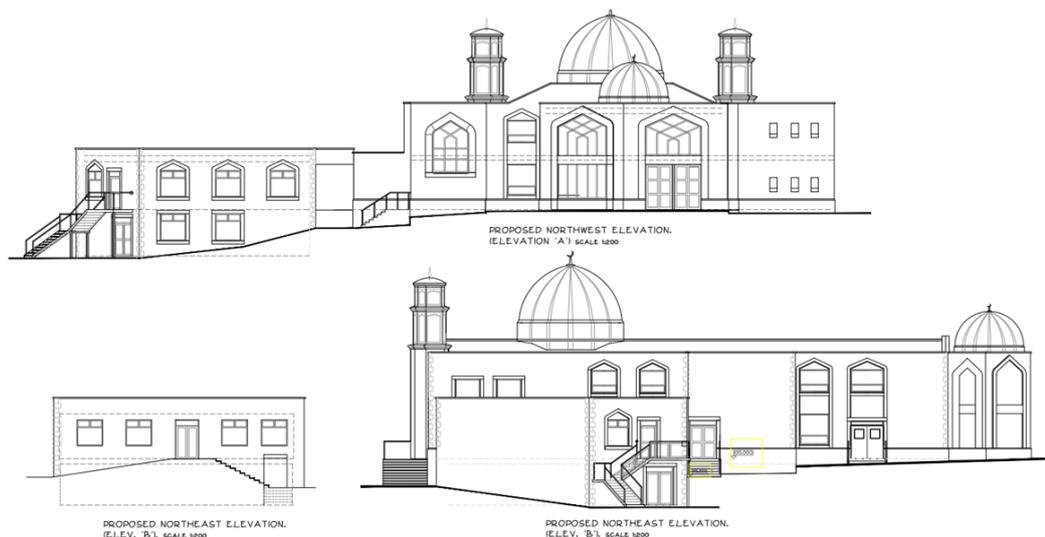
3.2.1 As detailed above, this application seeks part-retrospective consent to retain and finish a two-storey extension built to the northeast elevation. The submitted plans show that the proposed extension would be used for storage on the basement level with a ladies hall provided above.

Figure Three – Proposed Floorplans (as amended)



3.2.2 The extension provides additional floorspace of around 135 square meters over both levels and has a flat-roofed design up to 6.8m in height. Natural stone has been used to construct the elevations with grey composited panels used for the roof. Any doors and windows to be installed would have grey frames and a metal external staircase is also proposed to the north elevation.

Figure Four – Proposed Elevation Plans (as amended)



### 3.3 Case Officer Site Photos



### 3.4 Development Plan

#### 3.4.1 Core Strategy Part 1 (2011):

- Policy CS11: Services and Facilities

#### 3.4.2 Local Plan Part 2 (2015):

- 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

#### 3.4.3 Residential Design Guide Supplementary Planning Document (SPD) (2012)

#### 3.4.4 Blackburn with Darwen Parking Standards (2014)

- 1 car space per 10 sqm of floor area. Minimum 1 coach space for sites of 2500 sqm of floor area

## 4.0 **ASSESSMENT**

### 4.1 Principle of Development

- 4.1.1 As detailed above, the site is located within the defined urban boundary, which is identified as the preferred location for all new development. Moreover, Policy CS11 supports the expansion of public facilities (including religious buildings) as part of existing key buildings. The principle of development is therefore established, in accordance with Policies CS11 and 1.

4.1.2 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

#### 4.2 Design and Visual Amenity

4.2.1 The site is a standalone aspect within the streetscene architecturally and appears prominent in its immediate setting. Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. Concerns have been raised in public comments regarding the scale of the extension.

4.2.2 The bulky appearance of the extension was noted on site, as was the blank and featureless elevation that runs along the site's southeast boundary. That said, when large scale nature of the existing building is considered alongside the use of natural stone throughout, the scale and overall appearance of the extension built does not warrant any significant design concerns.

4.2.3 The window styles applied and use of parapet roof details ensures the extension visually integrates with the existing building to an acceptable extent. Moreover, the remainder of the external construction materials to be used would match those of the existing building. A condition is recommended to ensure the development proceeds in accordance with the external construction materials details provided. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

#### 4.3 Residential Amenity

4.3.1 As detailed above, dwellings surround to all sides and safeguarding the amenities of those neighbours is an important planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, light, privacy, overlooking, nuisances, and the general relationship between buildings. Concerns have been raised in public comments given the scale of the proposed extension.

4.3.2 In relation to noise, BwD Public Protection have reviewed the merits of the proposals and no objections have been raised. A number of conditions are already in place for the whole site that were imposed when the mosque was approved in 1997. They include restricting the times in which calls to prayer can be operated alongside noise emissions more generally when measured from adjacent residential properties. Those conditions ultimately apply to the entire site alongside any extensions to the original mosque building. It would ultimately be unnecessary to duplicate those requirements with further conditions as the original conditional requirements run in perpetuity with the site's operations.

4.3.3 In relation to privacy, windows have been installed to three elevations. Those installed to the southwest elevation face towards the original mosque building. Those installed to the north elevation are marginally under the 21m advised within the Residential Design Guide SPD in relation to 5 Beechwood Court. That said, the orientation of those windows in relation to the front windows at number 5 negate any harmful privacy impacts being caused for those neighbours. Those installed in the northwest elevation would face a blank gable at 6 Beechwood Court. Moreover, in excess of 15m of separation has been maintained between those windows and the boundary of number 6, which is adequate to safeguard the privacy of those neighbours.

4.3.4 In relation to the massing of the extension, the property most effected is 28 Naarian Court. At its closest point, circa 12.5m of separation has been maintained between the extension's southeast elevation and windows in the rear elevation of number 28. For clarity, there are no windows in the gable of number 28. Although it is acknowledged that the massing of the extension causes a certain level overshadowing for the neighbours at number 28, given that the extension has been built at an indirect angle, on balance, its scale does not warrant a reason for refusal on the grounds of losses of light.

4.3.5 When those factors are considered collectively, once complete the proposed development would not be materially harmful to the amenities of the immediate residential neighbours, in compliance with the relevant requirements of Policy 8.

#### 4.4 Highways and Parking

4.4.1 The site is a well-used religious building and parking on the surrounding residential streets is relatively constrained. Existing on-street parking issues around the site are at their most acute at certain times of the week. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Parking should also be provided in accordance with the BwD Parking Standards, where achievable. Concerns have been raised in public comments on various highways and parking grounds.

4.4.2 The plans indicate that the site would have around 27 off-street parking spaces once the development has been completed. The combined floorspace of the existing building and proposed extension is approaching 2000 square meters and it is clear that parking provision within the site falls significantly foul of the amounts required by the BwD Parking Standards, at 1 space per 10 square meters of floorspace. Parking shortfalls are arguably the weakest aspect of the proposals from a planning policy perspective and concerns have been raised by BwD Highways during the course of the application in that respect.

4.4.3 In support of the application, a Supplementary Highways Report has been submitted. The report rightly identifies that no further off-street parking provision can be accommodated within the site. Conclusions are drawn regarding the fact that the proposed ladies hall would not directly increase capacity within the site

as the new hall would be used by existing worshipers, many of which are reported to walk to services. Whilst those conclusions are partly questionable, having reviewed the submitted report BwD Highways have suggested the implementation of a Green Travel Plan would partly alleviate parking shortfalls.

- 4.4.4 The plan should identify further measures that can be accommodated within the site to discourage independent car use. Measures such as cycle storage and the promotion of a lift share system could all potentially be used as part of that plan. Further measures to marshal traffic during busy events should also be included within the plan. A condition is therefore recommended to control those details. In addition, a further condition is recommended in order to ensure the basement level of the extension is used for storage purposes alone, as per the submitted floor plans. Such a condition is necessary in order to limit additional associated parking requirements.
- 4.4.5 In summary, this application has been recommended for approval in relatively marginal terms and it should be noted at this stage that any further increases in the capacity of the site are unlikely to receive the Council's support. Subject to compliance with the recommended conditions, and on balance, the proposed development would be acceptable with reference to highways and parking, in compliance with Policy 10.

#### 4.5 Flooding and Drainage

- 4.5.1 The site is positioned on sloping land with a number of dwellings located downslope. Policy 9 concerns general obligations in relation to limiting the potential for surface water flooding issues to occur from development. Development that has the potential to create significant amounts of new surface water run-off should incorporate measures to manage surface waters. Concerns have been raised in public comments given ongoing surface water flooding locally and it has been suggested that the proposals have increased the amount of surface waters originating from the site.
- 4.5.2 The proposed extension has resulted in the removal of the existing drainage networks within areas of the carpark. It is unclear from the information provided what measures will be put in place in order to prevent surface water flooding arising from the development. The potential issues associated with those discrepancies are compounded with this particular site given that development works have taken place at its lowest point.
- 4.5.3 A condition is therefore recommended in order to agree the scope of a Surface Water Drainage Strategy. Subject to compliance with that condition, the proposed development would be acceptable with reference to surface water drainage, in compliance with Policy 9.

#### 4.6 Coal Mining

- 4.6.1 The site is partly located within a High Risk Area for former coal mine workings. Further requirements within Policy 8 state that in the case of potentially unstable land, an appropriate land remediation scheme must be secured. The Coal

Authority have reviewed the merits of the application. No objections have been raised under the proviso that an informative note is added to any approvals issues regarding the potential need for remediation measures as part of any subsequent Building Regulations applications. Subject to those requirements being met, the proposed development would be acceptable with reference to coal mining, in accordance with the relevant requirements of Policy 8.

#### 4.7 Summary

4.7.1 This application seeks part-retrospective consent to retain and finish a two-storey extension to a religious building to be used for storage and as a ladies hall. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.7.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and with reference to design and visual amenity, residential amenity, highways and parking, surface water drainage and coal mining.

4.7.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

#### 5.0 **RECOMMENDATION:**

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions and informative note;**

5.1 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250), 3550 – 01 – Revision A, 3550 – 02 – Revision A, 3550 – 03 and 3550 – 04.

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

5.2 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings and those materials shall not be varied without the prior written consent of the Local Planning Authority.

REASON: Those materials are acceptable for this development and site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.3 No further development shall take place on site unless and until, a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how sustainable modes of transport will be encouraged together with details regarding the use of a traffic marshalling system, where relevant. The development hereby approved shall not be brought into use until the agreed measures have been implemented in their entirety and any measures agreed shall thereafter be operated in perpetuity with the development.

REASON: In order to promote modes of transport that do not require vehicle parking provision, to manage traffic in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 The basement level of the development hereby approved shall be used solely for storage purposes alone, in accordance with the approved plan '3550 – 02 – Revision A'.

REASON: In order to limit additional parking requirements associated with the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 No further development shall take place on site unless and until, a Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the agreed strategy has been implemented in its entirety and any measures installed shall thereafter remain in perpetuity with the development.

REASON: In order to minimise the potential for surface water flooding to occur, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

#### Case Specific Informative Note

- 5.6 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required

(for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 10/18/0251 – Proposed single storey ladies hall extension building – Approved, with conditions – May 2018.
- 6.2 10/17/0982 – Proposed two storey main front entrance extension – Approved, with conditions – December 2017.
- 6.3 10/10/0312 – Proposed double storey extension to existing mosque, car parking and replacing of external blockwork skin to natural stone outer leaf – Approved, with conditions – June 2010.
- 6.4 10/07/0759 – Proposed extension to existing mosque with additional parking – Approved, with conditions – September 2007.
- 6.5 10.97/0762 – Proposed Mosque – Approved, with conditions – January 1998.

## **7.0 CONSULTATIONS**

- 7.1 BwD Highways – In summary, we would not support the application as no additional off-street vehicle parking is proposed in support of the development.

(Parking) No parking in support of the proposal has been received. The existing car park does not serve the needs of the Mosque. No additional car parking spaces are offered, for the additional 13 car parking spaces that the 133sqm of D1 Public Halls of Worship would be needed to comply with the Council's Policy. On street parking along Oak Street and the surrounding roads cannot accommodate the existing needs of the Mosque.

(Access/Layout) The existing access to the car park is not affected by the development. An increase in on street parking along Oak Street would however, be detrimental to other highway users.

(Update in relation to submitted Highways Report) (Site History) In relation to application 10/18/0251, the Applicant states that in the previous planning

application for a similar scheme which was approved with no conditions attached to the provision of car parking, notwithstanding the concerns regarding the provision of parking.

Whilst the previous application approved the provision of dedicated and separate ladies facilities to enable ladies to attend the building in order to undertake funeral rituals, the provision of an under stairs area to provide a storage area for coffins did not form part of that application – hence the submission of this retrospective planning application 10/21/1425 which includes for the basement storage area.

The difference between the two planning applications is that the provision of the basement storage area results in an increase in floor area of approximately 133 sqm. In accordance with the Council's Parking Standards for the Classification D1 Public Halls of Worship to provide 1 car parking space per 10 sqm provision should be made for 13 additional car parking spaces. Highways have not sought to rectify the lack of parking provision in planning consent 10/18/0251 but merely highlighted the lack of parking provision for this current application.

(Parking Survey) The report highlights that a parking survey was undertaken on Friday 29<sup>th</sup> April 2022, acknowledging that at certain times of the week when the Mosque is used this does result in significant intermittent on street parking, notwithstanding that many of the worshippers drawn from the surrounding area actually walk to the Mosque. It stressed that predominantly large groups of women were observed walking to the Mosque, causing no parking issues.

It should be noted that whilst this is true, many of the cars are parked along Oak Street are actually parked are obstructing the footways given that the road is narrow. Many of the local residents rely on on-street parking along Oak Street and that where possible proposals should not exasperate the situation.

(Road Safety) The report also seeks to allay concerns regarding the detrimental impact of on-street parking on road safety, highlighting the road safety record in the vicinity of the Mosque, particularly for pedestrians.

The report includes Crashmap road traffic accident records of accidents that have been recorded along Oak St., the majority of recent accidents occurred to the North of the Mosque, causing slight injury to pedestrians crossing the road. The report also stresses that the traffic calming measures on Oak Street which take the form of build outs in the carriageway, regulate traffic flows and speeds along Oak Street. These build outs also provide informal crossing points to safely cross the road.

The fact that there have been no road traffic accidents in the vicinity of the Mosque does not reduce the likelihood of an accident, particularly one involving pedestrians would not occur in the future. The report does not identify any mitigation measures that could be considered in order to improve road safety for pedestrians and road users alike. It would be reasonable to expect the applicant to assess and mitigate these risks and hazards.

(Conclusions and Recommendations) The report acknowledges that no additional car parking can be provided within the site and respectfully requests that the Council to reconsider its objections to the development on the grounds of highway safety.

The report concludes that the provision of the Ladies Hall does not result in a significant increase in ladies attending the site noting that large groups of ladies predominantly walk together to the Mosque and that those who travel in by car would be expected to car share, thereby alleviating demand for on-street parking.

The concerns for highway safety which resulted in the planning application not being supported remain. These should be addressed by the Applicant through the provision of a Green Travel Plan, similar to those prepared and operated by schools and other public venues in similar circumstances.

The Plan should identify measures to encourage walking by the men as well the women to the Mosque to minimise the impact on on-street parking, to maximise usage of the off-street parking used by the disabled, elderly or infirm. This would include identifying improvements that would make it safer for walker as well as the provision of a secure bicycle storage area for cyclists. The management and marshalling of large events such as funerals should also be included in the Green Travel Plan.

- 7.2 BwD Public Protection – There is uncertainty regarding the room uses and the potential for changes to occur in the future, which may not require formal planning consent. I also note that we have received complaints about amplified call to prayer broadcasts from the mosque – most recently during 2020. So, I would recommend that the no amplified call to prayer condition is applied to any approvals issued. Informative notes should also be added regarding sound insulation and the need to safeguard residential amenity.
- 7.3 BwD Drainage – No objections.
- 7.4 BwD Cleansing – No objections.
- 7.5 The Coal Authority – The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.
- 7.6 It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is

submitted alongside any subsequent application for Building Regulations approval, where relevant.

7.7 Ward Cllrs

7.8 Summary of Public Responses

- Numerous extensions have already been applied to the building
- The proposed extension is already in use
- Residential properties surround to all sides
- The building appears overbearing to neighbours
- Vehicle parking is at a premium locally
- No additional parking is proposed to support the development
- The development may further constrain vehicle parking locally
- No transport surveys have been submitted in support of the application
- Surface water flooding is caused by the development

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**9.0 DATE PREPARED:** 07<sup>th</sup> July 2022

## 10.0 SUMMARY OF REPRESENTATIONS

### **Objection – Mr Patel, Resident of Copse Close, Blackburn. Received: 17/01/2022.**

I write in connection with Planning Application - 10/21/1425 for the property known as Madina Mosque, Oak Street, Blackburn, BB1 6NT.

As a resident of Copse Close, firstly I would like to express my disappointment at not being notified as part of the formal

consultation process. Whilst I and my fellow neighbours may not directly be affected by the retrospective application from as visual impact, we bear the brunt of the intensified day to day operations at Madina Mosque. To this end, we think you should reconsider the catchment area that you have consulted with to date.

As you are aware, the mosque has been extended several times over the past 10 years. During this time the area has become more akin to a high street than a quite suburban residential area. Living directly opposite Madina Mosque, we are now almost daily experiencing disruption with unbearable traffic and inconsiderate parking. There are many times throughout the day that driving to and from my property is disrupted due to increased traffic congestion, and on several occasions my drive either being blocked, my lawn being damaged or visitors of the mosque parking on my drive!

The new proposals do not include any additional parking or traffic impact consideration. I would strongly request the application includes a detailed traffic impact assessment and a Travel Plan which includes detailed mitigation measures that are enforced upon the applicant during all operational hours that avoid ongoing and increasing disruption facing the neighbouring residents.

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### **Further Objection – Mr Patel, Copse Close, Blackburn. Received: 20/04/2022.**

I would appreciate an update. The building is now in full operation and is causing server disruption to residents by car and on foot on almost a daily basis. This afternoon between 1pm and 3pm Oak St was not passable without significant delay and the foot paths fine if walking single file. This is not safe when walking with children from school or trying to use a pram.

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To planning Application (Amendment)  
ref - 10/21/1425

To Christian Barton.

I am writing this letter to give U my reply  
of Ur letter! -

my Concern is Very Serious of new ground  
floor level for ladies and basement at Madina  
Mosque, OAK ST, Blackburn.

I am a Owner/occupier of 69 OAK ST, Blackburn  
with my beautiful drive house. So my problem  
is getting worse / worse, I don't know how  
much capacity is there in the mosque of  
parking. So why people parked on the  
Street, (to give more trouble to us!!!

people are so rude?? our drive is blocked  
all the time when there is any function in  
the mosque. We have special made a white  
line as well, So what do I do???)

Sometimes we are really worried when  
we take our car out, So when we come back  
Somebody blocked our drive???)

So please do a review about parking  
matter first before U give permission