

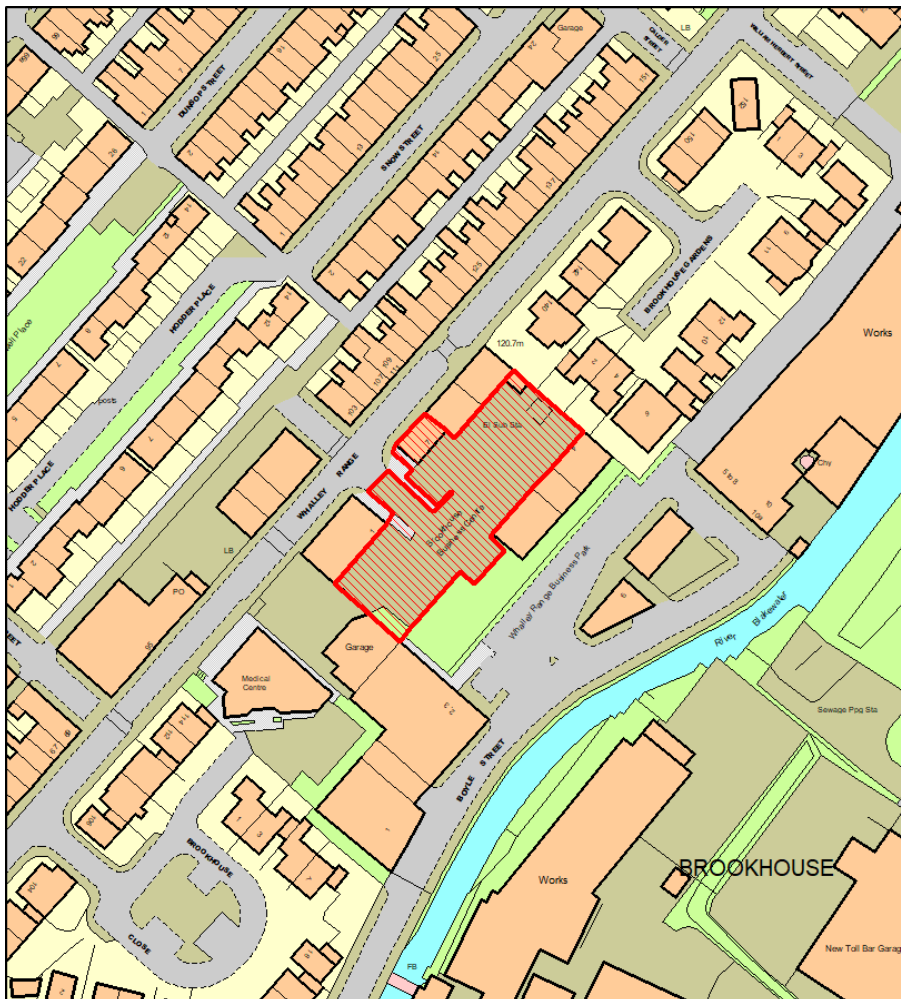
Proposed development: Full Planning Application (Retrospective) for Retrospective Application for Change of Use from Sui-Generis to Cafe (Class E) including New Glazing, Rear Extension and External Alteration, including new seating area to the side elevation

**Site address:
Units 7 and 7A Brookhouse Business Centre
Whalley Range
Blackburn
BB1 6BB**

Applicant: Miss Sonia Ahmed

Ward: Bastwell & Daisyfield

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



1. SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be **approved** subject to the conditions detailed in Section 5.

2 KEY ISSUES

- 2.1 This application seeks permission for a retrospective change of use of Units 7 and 7A of the former Brookhouse Business Centre, from showroom, offices and catering preparation area (Sui Generis use), to a Cafe (Class E) including New Glazing, Rear Extension and External Alteration, including new seating area to the side elevation. The application site lies directly adjacent to, just outside the Whalley Range District Centre, within the Inner Urban Area of Blackburn in relative close proximity to the Town Centre, and a Coal Low Risk area.
- 2.2 The two storey commercial unit is in an accessible and highly sustainable location, and has the added benefit of a large shared car park to the rear of the unit, which is owned by the owner of the former Brookhouse Business Centre site (not the applicant). The majority of units in the wider Whalley Range District Centre do not have any off street parking, and parking is known to be a problem in the Whalley Range area. A number of objections have been raised by local residents, including a petition, citing highway safety/parking and amenity concerns. The Highways Authority has also objected to the proposal. These are discussed in the main body of this report.
- 2.3 Notwithstanding the above, there would be recognised social, environmental and economic benefits arising from the proposal, which play a part in weighing up the planning balance. Factors weighing in favour of the application include the highly sustainable and accessible location of the site, directly adjoining the Whalley Range District Centre location; the former Brookhouse Business Centre Class B1 (Light industry / offices) use; the immediately prior use of Units 7 and 7A as showroom, offices and catering preparation area; recent changes to the Use Classes Order which introduce more flexibility for town centre uses (& the creation of a new Use Class E); the additional benefit of a shared rear car park; and recent approvals and appeal decisions for similar uses in the immediate area. On balance, the scheme is considered acceptable for the reasons set out in this report.
- 2.4 Should members approve this application, conditions can also be attached to ensure a degree of control over the use of the application site. Presently, the use is operating with no conditions or restrictions, which is resulting in a number of complaints being received from local residents by the Planning Enforcement and Public Protection teams. There were no conditions attached to the original planning approval for the former Brookhouse Business Centre site.
- 2.5 This application is presented to the Planning and Highways Committee due to the number of objections received, including a petition from local residents,

and the objection from the Highways Authority. Members should note that an application relating to a dessert parlour at Units 1 and 2 Brookhouse Business Centre is also presented to this committee for the same reason(s) – see application reference number 10/22/0920.

2.8 The key issues to be addressed in determining this application are;

- Principle of Development (including legislation, policy, site history, and health;
- Highways issues, access, parking, and servicing;
- Design and visual amenity;
- Residential amenity;
- Other matters, including land ownership;
- Planning balance, including recent appeal decisions in the area.

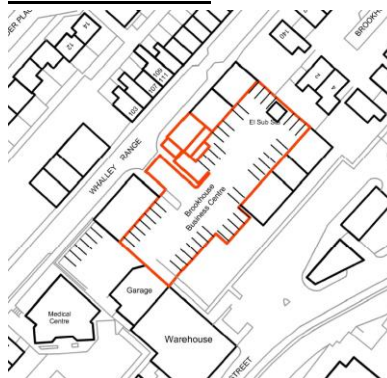
3 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site lies within a commercialised setting, with a range of shops and local services present. The wider surrounding area is mixed, with some residential dwellings also in the vicinity. The application site comprises an existing two storey commercial unit, which is just one of a number of units within the former Brookhouse Business Centre, within the Inner Urban Area of Blackburn, on the south/eastern side of Whalley Range, in a Coal Low Risk area.

3.1.2 Units 7 and 7A also sit directly adjacent to the Whalley Range District Centre, as identified in the current Local Plan Proposals Map (below). The adjoining units adjoining Whalley Range also sit within identified secondary retail frontage on the Proposals Map. This can be seen in the images below.

Location Plan:



Local Plan Proposals Map:



3.1.3 The units are sited on the corner of Whalley Range and the entrance road to the shared rear car park, part of the former Brookhouse Business Centre. The only building it directly adjoins is a single storey commercial unit to the north-east, which formed part of the previous use of this group of units as showroom, offices and catering preparation area.

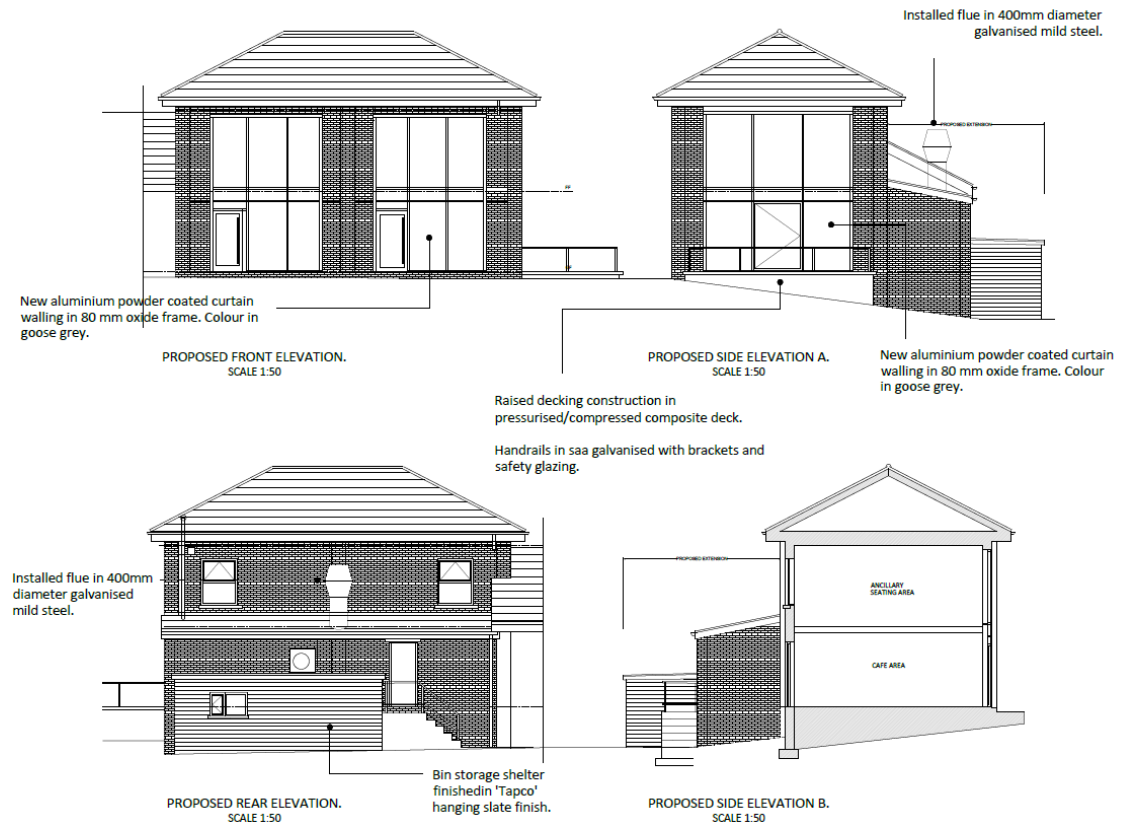
3.2 **Proposed Development**

- 3.2.1 The proposal seeks a retrospective Change of Use of Units 7 and 7A of the former Brookhouse Business Centre, from showroom, offices and catering preparation area (Sui Generis use), to a Cafe (Class E) including alterations including new glazing and curtain walling to the front, side and rear elevations at ground and first floor (New aluminium powder coated curtain walling finished in 80mm oxide frame - Goose Grey colour), a small rear extension (Facing brick to match, with Marley Plain concrete interlocking tiles), a rear bin store (roof in felt finish, and walls in natural slate finish), an extract flue to the rear (Galvanised flue in 400mm diameter with anti-vandal brackets), and an open raised seating area / enclosed decking to the side (handrails in SAA galvanised with brackets and safety glazing). Access to the decking area would be from inside the café, through sliding doors on the side elevation. The applicant states that the development commenced on 26/09/2022.
- 3.2.2 The proposed changes to the elevations reflect the use applied for, essentially introducing much more glazing at both ground and first floor levels, and using modern materials, whilst introducing an open decking area to the side would also contribute to creating a much more open and inviting, active frontage. The existing and proposed elevations can be seen below:

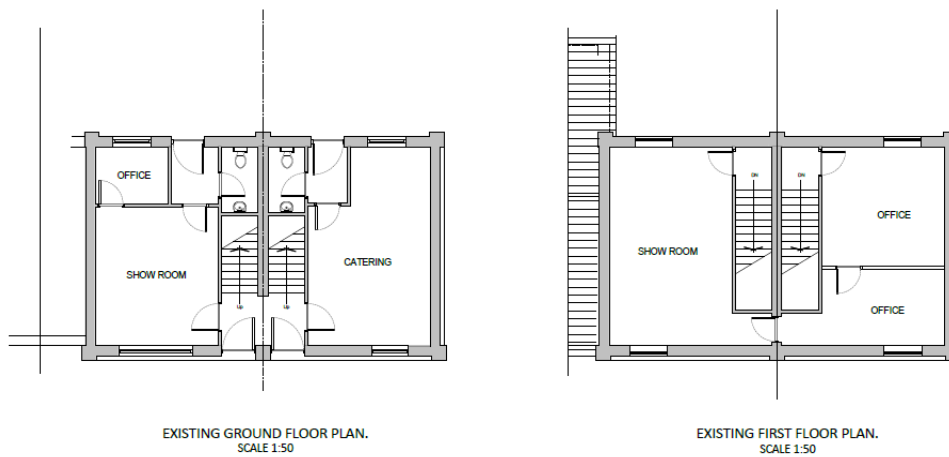
Existing elevations (prior to works being carried out):



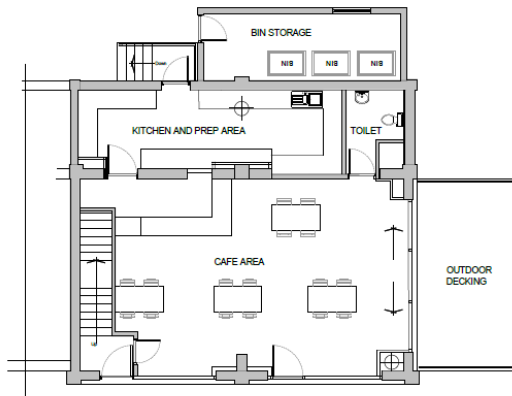
Proposed elevations (as built):



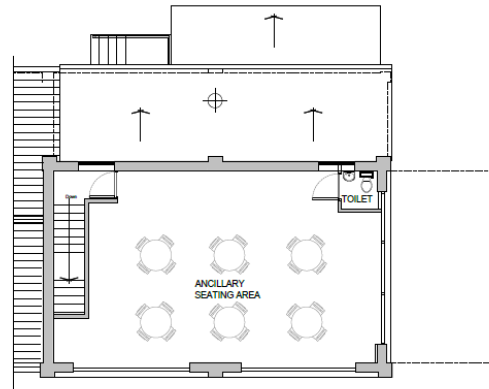
3.2.3 The existing floor plans are shown below.



3.2.4 The proposed floor plans are shown below:



PROPOSED GROUND FLOOR PLAN.
SCALE 1:50



PROPOSED FIRST FLOOR PLAN.
SCALE 1:50

3.2.4 The existing unit comprises 122sqm of floorspace, and this would be increased to 166sqm as a result of the proposed development. The floorspace area for public use has been calculated by officers at 134.8sqm.

3.2.5 Hours of operation applied for are 09:00hrs to 23:00hrs Mon-Sun, including Bank Holidays.

3.2.6 The existing parking arrangements are to remain. The rear car park is shared by all the users of the units within the former Brookhouse Business Centre. There is no definitive parking allocation for the individual units.

3.3 Site Photos



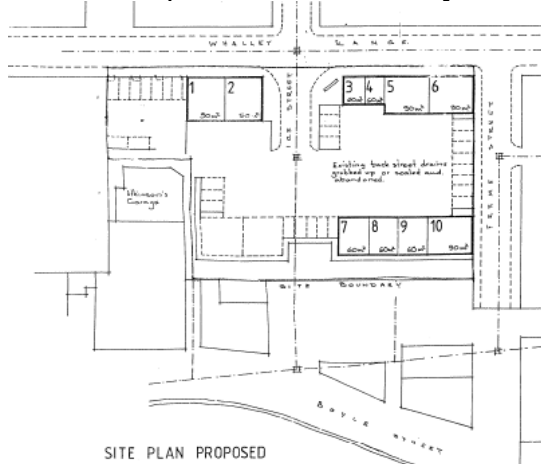
3.4 Planning history

3.4.1 Historic planning records demonstrate that the Brookhouse Business Centre, of which Units 7 & 7A form part, was granted planning permission in 1992, under planning ref 10.92/0889, for Training Workshop & Office Units. This permission is known to have been implemented.

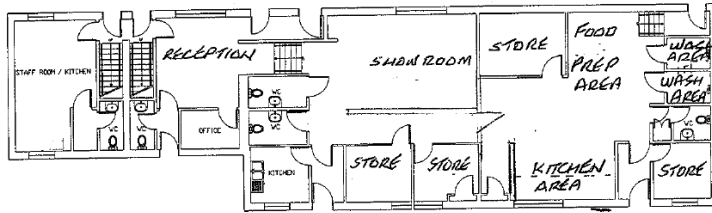
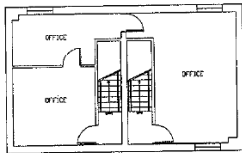
- **10.92/0889** - Proposed Training Workshop & Office Units – Brookhouse Business Centre - Approved 25/08/1992.
- **10/13/0675** - Change of use from education centre and offices to showroom, offices and catering preparation area – Approved 17/10/2013. [Note this permission related to the adjoining units to the north-east as well]

3.4.2 The above approval for the Brookhouse Business Centre (10.92/0889) was subject to a standard 5 year condition for commencement, and a materials condition. There were no other conditions attached.

3.4.3 The Site Plan for Brookhouse Business Centre, as approved under 10.92/0889, is shown below
[Note the units now referred to as Units 7 & 7A are annotated as Units 3 and 4 on the site plan for 10.92/0889]:



3.4.4 Below are the approved floor plans for 10/13/0675 - Change of use from education centre and offices to showroom, offices and catering preparation area
[Note the present application for a cafe only relates to the area annotated as Reception, offices, staff room / kitchen on the 10/13/0675 plans]:



3.4.5 The approval for the showroom, offices and catering preparation area (10/13/0675) only had a condition for a scheme for the control of cooking odours and fan noise to be submitted and approved.

3.5 Supporting documents

3.5.1 The following documents were submitted in support of this application:

- Planning Statement
- Ventilation and Extraction Statement;
- Extract canopy calculations;
- Defra Odour Assessment;
- Waste and Recycling Statement;
- Counter comments in support of the application, submitted by the applicant in response to the Highway Authority objection.

3.6 Development Plan

3.6.1 Blackburn with Darwen Core Strategy

- Policy CS1: Targeted Growth Strategy
- Policy CS16: Form and Design of New Development

3.6.2 Local Plan Part 2 (adopted 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 31: Development in Defined Shopping Frontages
- Policy 33: Health

3.6.3 Other material considerations

BwD adopted Parking Standards
Borough wide Design Guide SPD
Planning for Health SPD
Shopfront Design and Security SPG
National Planning Policy Framework

4.0 ASSESSMENT

4.1 Principle of Development (including legislation, policy, site history, and health)

Legislative context

- 4.1.1 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 were introduced on 1st September 2020, making significant changes to the previous system of Use Classes, and permitted changes of use under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 4.1.2 The introduction of these changes was to provide greater flexibility between certain uses and provides a more agile planning framework so that high streets and commercial uses can respond to changes in the commercial market. This was introduced by the government as a response to the Covid19 pandemic.
- 4.1.3 Schedule 2 of these regulations created a new broad 'Commercial, Business and Service' use class (Class E), which incorporated a number of previous Use Classes into a single use class (as summarised, below):



Site history context

- 4.1.4 The original planning approval for the whole Brookhouse Business Centre was for Training Workshop & Office Units. A subsequent change of use for showroom, offices and catering preparation area was approved in 2013. The applicant initially suggested that an application for a change of use to Class E for Units 7 and 7A did not require planning permission because the site benefitted from a Class B1 use (Office/Light Industry), which has now been subsumed into Class E.

4.1.5 However, officers advised the applicant that Units 7 and 7A were a Sui Generis use, and that an application for a change of use was required. Although not entirely in agreement, the applicant agreed to submit an application to regularise the use proposed, and to include the external works. If approved, this will also allow the Council to retain a degree of control over the site with the imposition of planning conditions.

Policy context

4.1.6 Policies 1 and 2 of the Local Plan identify the inner urban area as the preferred location for new development.

4.1.7 The application site also lies directly adjacent to the Whalley Range District Centre. Policy 27 of the Local Plan is clear that this policy applies to proposals “*Within and adjacent to District Centres.*”

Policy 27 supports development where it encourages mixed uses, and where it responds to the scale and function of the centre. Proposals involving conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.

Policy 27. District Centres – a Framework for Their Development

1. Within and adjacent to the District Centres as shown on the Adopted Policies Map, and listed in the table below, development will be supported where it encourages mixed uses, and where it responds to the scale and function of the centre in question. Proposals which fulfil these requirements will be permitted in the following circumstances:
 - i) New build proposals should be proportionate to the scale and function of the centre. New retail, leisure, office and service use developments should demonstrate that they cater for local needs, and should be accompanied by an impact assessment if they involve the creation of new floorspace above the thresholds set out in Policy 29. The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in the centre and other nearby centres.
 - ii) Proposals involving conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.

4.1.8 The proposed development encourages mixed uses and responds to the scale and function of the centre. As a change of use of existing premises, criteria 1 ii) of Policy 27 applies. The proposal would introduce a more active frontage, and have a positive impact on the character and vitality of the centre.

4.1.9 The pre-ambles to Policy 27 states that District Centres principally provide for local needs shopping. The Core Strategy further promotes a concept of multi-functional district centres which are also the focus for local services as well as retailing. District centres have faced particular challenges in adapting to changing retail patterns. The Core Strategy identifies the Whalley Range area as having the potential to perform an enhanced function as a destination, as well as a local shopping centre. Within the Whalley Range District Centre there are streets which form the main shopping area of the centre, and others

which perform a wider function in addition to retail. The Council wishes to consolidate this pattern of development.

4.1.10 Policy 27 goes on to apply additional policy considerations for the management of the district centres, as shown below.

2. Within the Whalley Range District Centre (reference 27/5) as shown on the Adopted Policies Map and the Whalley Range Inset Map, the following additional policy considerations will apply:
- i) Within the Primary Shopping Frontages as defined on the Whalley Range Inset Map, proposals for the change of use of ground floor/pedestrian level premises, to uses falling within Use Classes A2, A3 or A5, will be permitted provided that the proposal would not, in isolation or in combination with other completed or committed development, undermine the function of those frontages as a main retail area.
 - ii) Within the Secondary Shopping Frontages as defined on the Whalley Range Inset Map, proposals for service uses falling within Use Classes A2, A3 or A5 will be permitted provided it would not, in isolation or in combination with other completed or committed development, have an unacceptable impact on the level of shopping provision or lead to a change in the character of the street.
 - iii) Exceptions to Criteria i) and ii) may be made where the number of empty units within a frontage block/group of shops is high and the trend in vacancy levels is prolonged.

4.1.11 The site lies directly adjacent to a defined secondary shopping frontage, therefore strictly speaking criteria 2 ii) of Policy 27 does not apply. However, the proposal would not have an unacceptable impact on the level of shopping provision or lead to a change in the character of the street. Therefore there is no conflict with Policy 27.

4.1.12 Furthermore, criteria iii) of Policy 27 refers to the benefits of ensuring vacancy levels are high. The proposal would ensure the premises are brought into active use, which would have wider social, environmental, and economic benefits, and are a material consideration.

4.1.13 Subject to being satisfactory in all other respects, the proposal is considered acceptable in principle, and in accordance with Policies 1, 2, and 27 of the Local Plan.

Health

4.1.14 Policy 33 of the Local Plan states that where a form of development has the potential to impact on public health, with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking, the Council will require the developer to demonstrate how public health issues have been taken into account in formulating the development proposal and how any impacts are to be mitigated.

4.1.15 The proposal is for a café, directly adjacent to a District Centre. Policy 33 seeks in particular to restrict unhealthy hot food takeaways and shisha cafes, for example. Therefore, Policy 33, or the associated Health SPD which is underpinned by Policy 33, is not considered to be directly relevant in this instance. To ensure the business does not operate partly as a takeaway, conditions can be attached to restrict the use to the use applied for, and to ensure there is no food taken away and consumed off the premises.

4.2 Highways issues, Access, Parking, and Servicing

- 4.2.1 Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. In addition to avoiding unacceptable impacts on highway safety, the Framework also seeks to ensure that the cumulative impact of development on the highway network is not severe.
- 4.2.2 The Highway Authority raised an objection to this application on the basis that no parking is offered to support the increase in vehicle movements (compared to the previous training centre use), and that the proposal would be detrimental to highway safety, contrary to Policy 10 of the Local Plan.
- 4.2.3 However, there are several mitigating factors. Fundamentally, the application site is located directly adjacent to a District Centre in a highly sustainable and accessible location. The District Centre designation recognises not only the sustainable location but also the potential for linked trips. Many trips to the centre will be multi-purpose, and trips to the cafe will therefore not create substantial new parking demand as a standalone destination in its own right, but will largely be used by people who are already in the area, either visiting other shops in the District Centre, and/or who live locally and will arrive on foot.
- 4.2.4 Furthermore, the majority of businesses on Whalley Range do not have any off street parking. The shared car parking area to the rear takes parking pressure off Whalley Range. If the units in the former Brookhouse Business Centre fell into vacancy, the car park could be permanently closed for example, and this would be to the detriment of the wider District Centre.
- 4.2.5 Units 7 and 7A already benefit from a commercial use, and recent changes to the Use Classes Order (introducing a much broader Class E use) mean that most conversions involving town centre uses do not even require planning permission. Although the proposal would see a shortfall in the amount of parking that is required to accord with the Council's adopted parking standards, the applicant argues, with some justification, that the standards are several years old, with particular regard given to the recent legislative changes to the Use Classes Order. Rigid application of the 2014 Parking Standards is therefore, in this instance, not considered appropriate.
- 4.2.6 The Highways authority also referenced illegal parking on Whalley Range, and a need to keep the area clear from intensive movements, for safety reasons. Vehicles are known to be parking on the double yellow lines to the front of the premises along Whalley Range, and parking in the adjacent streets is also known to be saturated. However, pavement parking is not enforceable by Local Authorities. It is classed as an obstruction of the highway and this is currently only enforceable by the Police. It is further noted that recent appeal decisions in the vicinity have also referenced vehicles

parking on yellow lines as being a traffic enforcement issue rather than a planning matter. The restrictions across the whole of Whalley Range from Barbara Castle Way to Whalley New Road are under review and should any changes be required, this will go out to consultation before a change to, or implementation of, a Traffic Regulation Order is made.

- 4.2.7 Fundamentally, the site directly adjoins a District Centre, in a highly sustainable location. Some people will arrive on foot, others will already be visiting other facilities in the area, thereby not increasing demand to the same extent. Providing on site parking within District Centres is not a prerequisite of Policy 27, which for clarity includes development adjoining District Centres, sets out a framework for development in District Centres.
- 4.2.8 In conclusion, proposals should only be refused on highways grounds where there is a demonstrable unacceptable detrimental impact on highway safety, and/or the cumulative impact of development on the highway network is severe. In this case it is not considered that these thresholds are met.
- 4.2.9 On balance, the site lies directly adjacent to a District Centre in a highly sustainable location, and the impact on highway safety as a result of this application in isolation is not considered to be unacceptable, and the cumulative impact of development on the highway network is not considered to be severe.
- 4.2.10 It is therefore considered that the proposal is acceptable on highways grounds, in accordance with Policy 10 of the Local Plan, and the NPPF.

Waste

- 4.2.11 The applicant asserts that waste will be stored in the dedicated bin storage area to the rear of the premises, and collected via a commercial refuse collection service, so not requiring full access by waste vehicles. Provision will be made for two 1,100 litre euro bins for commercial waste, and a recycling collection for paper, glass, cans, cardboard and plastic bottles (these materials can be collected in either 77 litre boxes or 240 litre bins depending on quantities). A local 'Waste management' company will pick up mainly cardboard and plastic packaging waste three times a week. A system will be implemented whereby all the cardboard is 'flattened' and stored in the store area and the rear door opened to allow waste to be loaded on a medium sized panel van.
- 4.2.12 The Council's Cleansing team raised no objections to the proposal. However, a condition can be attached to secure a scheme for a waste bin at the premises.
- 4.2.13 From an enforcement point of view any waste and litter that accumulates on the car park will be the responsibility of the land owner. The Environmental Crime Team can issue letters and notices asking/telling them to clean their land, otherwise fixed penalties can be issued, or even court action can be taken.

4.3 Design and Visual Amenity

- 4.3.1 In general terms, Core Strategy Policy CS16 require and Local Plan Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 4.3.2 The alterations essentially involve the introduction of more glazing into the elevations, and aluminium powder coated curtain walling, at ground and first floor level, on the front and side elevations, which are most prominent in the street scene. The amount of glazing and the materials to be used are considered acceptable, and there are other examples of extensive amounts of glazing being used at ground and first floor levels in the area. The alterations would introduce new life into the building, which is presently more industrial in appearance.
- 4.3.3 The rear extension, bin store and extract flue would not be visually prominent other than from the shared privately owned car park to the rear, and in any case these additions would be functional, and in keeping with the character of the existing building in terms of size, scale and materials.
- 4.3.4 There would only be a minor increase to the overall floor space, resulting from the rear kitchen extension and the external decking area to the side, which would not detract from the appearance of the main building.
- 4.3.5 The proposed alterations would result in active, modern elevations that are more in keeping with the function, character and vitality of the Whalley Range District Centre. It is therefore considered that the proposal would have a positive impact on the existing building, and would not have any detrimental impact on the mixed character of the wider area / street scene, thereby meeting the requirements of Policy 11 of the Local Plan and Policy CS16 of the Core Strategy.

4.4 Residential Amenity

- 4.4.1 Policy 8 of the Local Plan states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. Also that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.
- 4.4.2 The site was formerly used for commercial purposes, and lies directly adjacent to a designated District Centre on a busy road, where a degree of noise and disturbance is to be expected. No residential premises directly

adjoin the site. By bringing the building into active use, this will also assist in terms of reducing potential crime and antisocial behaviour.

- 4.4.3 The Council's Public Protection team raised no objections to the proposal, subject to appropriate conditions and informatives. However, the Public Protection Officer requested a condition restricting hours of use to 20:00 hours. This is considered unduly restrictive in a commercial building directly adjacent to a District Centre, and could potentially be harmful to the viability of the business.
- 4.4.4 Similar approvals in the area, including appeal decisions, have allowed nearby businesses to open much later than this. For example, Le Glacier, at 51-53 Whalley Range closeby, was granted planning permission to open until 23:00 hours (this was even extended to 00:15 hours, on a 12 month trial basis, at a subsequent appeal). This, and other examples of relevant appeal decisions, are referenced later in this report.
- 4.4.4 Therefore, the hours applied for (23:00 hours) by the applicant are not considered unreasonable, and would be similar to other businesses in the area. Although the applicant was seeking a morning start of 09:00hrs Mon-Sun, it is considered reasonable to restrict opening times to 10:00hrs at weekends/Bank holidays, as suggested by Public Protection. This would also reflect the hours restrictions recommended on planning application 10/22/0920 for the proposed dessert parlour at Units 1&2. A condition can therefore be attached to this effect. The condition can also be worded to ensure that the open decking area is not allowed to be in use after 20:00hrs on any given day, which will help ensure noise and disturbance is not excessive, and is kept mainly inside the building during the evenings, to the benefit of local residents.
- 4.4.5 Other matters within the jurisdiction of Public Protection, such as any dumping of waste, vermin, and/or statutory noise nuisance are being investigated under separate powers / legislation.
- 4.4.6 From a planning perspective, the proposal is therefore considered to have an acceptable impact in terms of residential amenity, subject to conditions, and accords with Policy 8 of the Local Plan.

4.5 Other matters, including land ownership

Land ownership

- 4.5.1 Land ownership was queried with the applicant during assessment of the application. A revised location plan was provided, to show the red edge around the application site and access to Whalley Range and the shared parking area. However, for clarity, the applicant does not own the shared car park or access, but will have access rights. For this reason it has not been possible, and the applicant has not been willing, to agree to a condition requiring a management plan for the shared car park including the other units within the former Brookhouse Business Centre.

4.5.2 The applicant has served a Certificate B on the owner of the site, in compliance with Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Other matters

4.5.3 Various matters raised by local residents include statutory noise nuisance and environmental concerns, and alleged breaches of operating hours of nearby businesses. Noise nuisance and environmental impacts are being considered under separate legislation by the Council's Public Protection team. Alleged breaches of planning control in the area by existing businesses are also being investigated by the Planning Enforcement team. Illegal parking is a matter for the Police. None of these issues relate specifically to planning issues at the application premises.

4.5.4 Notwithstanding this, given the ongoing issues in the area, a management plan condition for the shared car park was suggested to the applicant, whereby a comprehensive access, parking and waste strategy / management plan for the operation of the whole site, including control of the car park and the car park access / barrier, would be attached by condition. However, the applicant was unwilling to agree to such a condition, which is considered unreasonable given the applicant does not own the car park, or the access to the car park, and does not have exclusive access to it.

4.6 Planning balance, including recent appeal decisions in the area

4.6.1 Relevant appeal decisions

4.6.2 There are a number of recent appeal decisions in the local area which give weight in favour of approving this application. These include:

- 10/16/1299 – Le Glacier, 51-53 Whalley Range (Removal of conditions 1 and 3 of previously approved planning application 10/15/1402) - Appeal Allowed 30th June 2016 (12 month temporary trial).

4.6.3 Key points taken from the above appeal decision 10/16/1299:

- Hours condition previously approved under 10/15/1402 (limiting opening hours to 23:00 hours) extended to 00:15 hours on a 12 month trial basis.
- Quote from Inspector, at Paragraph 15: *"I note the comments made about about people parking on the double yellow lines and blocking the road. I have no photographic or video evidence to show that this was entirely associated with the appeal premises , or in any event, if this now occurs routinely. In any event, there are separate enforcement powers available to deal with unauthorised parking on the highway."*
- Quote from Inspector, at Paragraph 16 of Inspector's report: *"..it must be recognised that the appeal property falls within a District Centre and fronts a relatively busy main road. Hence it is reasonable to expect that levels of noise and activity would be higher than in areas which are more residential"*.
- Quote from Inspector, at Paragraph 19: *"Despite the fact that the site is within a District Centre there are nonetheless residential properties very close*

by. It is therefore important that the occupiers of such properties are afforded reasonable levels of peace and quiet during times when they wish to sleep.”

- 10/15/0241 – 47a Whalley Range - Demolition of garage and erection of two storey retail building with shop front and roller shutters - Appeal Allowed 16th November 2015.

4.6.4 Key points taken from the above appeal decision 10/15/0241:

- Quote from Inspector, at Paragraph 5 of Inspector’s report: “.. *there are parking restrictions all along Whalley Range and almost none of the other small shop units in the vicinity has off-street parking*”.
- Quote from Inspector, at Paragraph 7: “*This is a highly accessible retail centyre, principally serving the local community. As such it seems to me that the proposed use is unlikely to give rise to significant additional demand for parking*”.
- Quote from Inspector, at Paragraph 9: “*I conclude that, although the proposal would not accord with Local Plan policies.. which, among other things, require appropriate provision for off street servicing and parking, the lack of such facilities would not have an unacceptable impact on highway safety and the free flow of traffic.*”

- 10/09/0752 – 23 Whalley Range – Change of use of ground floor to hot food takeaway – Appeal Allowed 1st February 2010.

4.6.5 Key points taken from the above appeal decision 10/09/0752:

- Hours condition: 07:30 hours – 23:00 hours Monday-Sunday;
- Quote from Inspector, at Paragraph 7 of Inspector’s report: “*Although yellow lines may from time to time be ignored by motorists, I do not believe that the consequences would be significant, and could, in any event, be addressed by enforcement of the regulations. Any parking generated by a new hot food takeaway would be a marginal addition to that which already takes place. Parking in the evening would be at a time when the demand is less than at other times during the day.*”

4.6.6 Planning balance

4.6.7 The objection from the Highways Authority is acknowledged, and has been given due consideration in reaching this recommendation. So too have the comments from the Public Protection team, who suggested restricting hours of use to 20:00 hours.

4.6.8 However, on balance, it is considered that the benefits of the proposal outweigh the concerns identified, and the planning balance suggests the application should be approved, subject to the conditions referred to in this report.

4.6.9 Examples of the aforementioned benefits include bringing a former commercial building back into active use; the continued use of the shared car park to the rear; the wider economic benefits / job creation it would bring to the local area; the visual and social benefits; improving the range and choice

of local facilities and services; and making a positive contribution to the vitality of the District Centre.

4.6.10 The application involves the change of use from one commercial use to another. In general terms, the Government is keen to support greater flexibility between town centre uses, evidenced by the introduction of the new Use Class E. Indeed, the applicant disputed whether planning permission was even required for the use now proposed. Most town centre uses would not need to apply for planning permission under the recent Use Class changes. Notwithstanding this, by approving this application, a degree of control can be achieved, with appropriate conditions attached to limit highway/amenity impacts. As things stand, there are no restrictive conditions attached to the former Brookhouse Business Centre.

4.6.11 Another factor to be considered is, should this application be refused, what would the building be used for. It would be likely that the building would fall vacant, and investment in the application site / former Brookhouse Business Centre / wider area would be stunted. Significant weight is given to the wider economic benefits of the proposal, and if the unit were to fall vacant and/or other units did likewise, the car park would also be likely to close, having an even greater detrimental effect on parking availability in the area. A Class E use of a commercial building directly adjoining a vibrant District Centre is an appropriate use in this location / context.

4.6.12 Fundamentally, the location directly adjacent to the District Centre is a key consideration, and the proposal is acceptable in principle. There is no requirement under Policy 27 of the Local Plan to provide any off street parking within a District Centre. The recent changes to the Use Classes Order, introducing the new Class E and its greater flexibility between uses, were introduced far more recently than the Parking Standards which were adopted in 2014. It is therefore considered that only limited weight can be given to the parking standards in this context. Furthermore there is a shared car park to the rear, which is far in excess of what most other businesses have on Whalley Range, and this helps to ease the impact on Whalley Range and surrounding streets. Recent appeal decisions have allowed similar uses in the area, and Inspectors have been clear that illegal parking should be dealt with under separate powers / legislation.

4.6.13 All things considered, on balance, it considered that the development should be approved, subject to conditions.

5 RECOMMENDATION:

5.1 APPROVE subject to the following CONDITIONS:

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

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

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

Project no. 050 / WSA / 2022, Dwg no. 04: Location Plan, received 7/12/23.

PROJECT NO: 050 / WSA / 2022, Dwg no. 02: Proposed Floor Plans.

PROJECT NO. 050 / WSA / 2022, Dwg no. 03: Proposed Elevations.

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

3. The use hereby permitted within the property shall not take place outside the hours of

09:00hrs to 23:00hrs Mon-Fri, and

10:00hrs to 23:00hrs Sat, Sun and Bank Holidays.

The external decking area shall not be in use for any purpose outside the hours of 09:00hrs to 20:00hrs (Mon-Fri), and 10:00hrs to 20:00hrs (Sat, Sun and Bank Holidays).

REASON: To safeguard the amenities of local residents and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. The external construction materials shall be as stated on the application form and approved drawings and they shall not be varied without the prior written consent of the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Within 3 months of the date of this permission, a scheme for the installation of a litter / waste bin, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details within 3 months of the submitted details being approved by the Local Planning Authority, and shall be permanently retained thereafter.

REASON: To ensure adequate facilities are provided at the site, to reduce litter, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2.

6. Within 3 months of the date of this permission, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details within 3 months of the submitted details being approved by the Local Planning Authority, and shall be permanently retained thereafter.

REASON: To prevent loss of amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to the use of any outdoor lighting, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed and thereafter operated in accordance with the approved scheme for the duration of the approved use.

REASON: To prevent light pollution and loss of amenity to occupiers of neighbouring premises, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The application premises shall only be used for the purposes included within Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose, including any other purpose in Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

REASON: In the interests of highway safety, and to ensure appropriate parking levels in accordance with the Council's adopted standards, and to safeguard the amenities of occupiers of residential properties in the area, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Notwithstanding the submitted details hereby approved, there shall be no sales of food for consumption off the premises.

REASON: In the interests of public health and in accordance with the requirements of Policy 33 of the Blackburn with Darwen Local Plan Part 2 and the adopted Supplementary Planning Document: Planning for Health.

6 CONSULTATIONS

6.1 Highways

6.1.1 OBJECTION:

- 6.1.2** The application seeks consent for Retrospective Application for Change of Use from Sui-Generis to Café (Class E) including New Glazing. Rear extension and external alteration, including new seating area to the side elevation

In accordance with adopted parking standards. The area for public use is used to equate the required parking allowance to support the business. This exercise has been undertaken and the total area is 134.8sqm, this is then measured against a requirement of 1 car space per 7sqm, which provides a required allowance of 19 spaces.

The proposal would clearly generate an increase in parking numbers, from the outgoing use.

There is a car park to the rear of the units which serves all the units within the business park. With all the units requiring supportive parking, we are concerned that the provision required for this use alone cannot be safely and adequately accommodated within the applicant's ownership.

On recent site visits it has been noted that vehicles are parking on the double yellow lines to the front of the premises along Whalley Range.

The property is located on the fringe of the Whalley Range Bazaar Area. The existing parking in the adjacent streets is fully saturated. It is recognised that the site is sustainable, however not all visitors will be from the immediate area, as the bazaar does attract visitors from a wider area and also from outside the borough.

In addition to the above, there is a priority give way positioned right outside/close to the property. This also highlights the need to keep the area clear from intensive movements, for safety reasons.

To conclude we recommend refusal of the application:

- no parking is offered to support the increase in vehicle movements
- detrimental to highway safety
- contrary to policy 10 of the Local Plan Part 2

I have also attached **emails from colleagues in parking, traffic and community safety supporting our concerns in relation to traffic, safety of highway users.***

6.1.3 *Attached email (as referred to above): Community safety Team:

I can say from a Community Safety point of view that yes we have had a number of historical complaints within this vicinity particularly Whalley Range and notably very nearby concerning another late night refreshment premises last December 2021, which brought complaints of parking issues, Anti-social driving and noise nuisance. This resulted in a multi-agency targeted operation involving the local Police a number of enforcement operations were carried out to try and rectify the issues under the Operation Unity banner. The Police will have a wealth of information themselves relating to this area as these premises were not the only complaints they received, and traffic issues within this area will prove a stretch on their resources. Prior to the Operation Unity interventions around October 2021, a number of Councillors had also highlighted specific problems on Whalley Range with a lack of parking provision and inconsiderate driving.

Any further new premises that attracts further vehicular traffic to this vicinity will only add to the already existing issues we have and will likely fuel more complaints (which it has already done so) and potentially have a detrimental effect on safety and residents quality of life.

6.1.4 *Attached email (as referred to above): Parking Services Team

Operation Unity is a ongoing multi-agency partnership between the Police, Community Safety, Road Safety, Highways, Public Health, Parking Services, Environment Teams, Licensing, local councillors and the Fire Service, created with a view to tackling ASB, noise, littering, parking etc across the borough.

We undertook 5 night-time enforcement sessions, between December 2021 and March 2022. On Whalley Range alone, 108 vehicles were observed in contravention and 42 PCNs were issued. Unfortunately, the lack of available CEOs, coupled with observation times for the current restrictions, hampered the issuing all 108 observed. It is noted that parking enforcement does cause additional dangers on the highway in this area, especially when

motorists attempt to move their vehicles before receiving a PCN/FPN, often at speed or over pavements, with no regard for pedestrian/other motorists safety.

Enforcement of Whalley Range is a 24/7 issue in regards to Parking, Traffic management etc. I also believe that motorists stop reporting when they perceive that nothing is being done, there are lots of comments online about this being a 'no-go' area for the Council, however in the last 12 months, we have visited Whalley Range on 225 occasions, observed 262 vehicles in contravention and issued 102 PCNs (42 of these after 6pm over 5 nights). We are aware of the parking issues and we manage this as best we can, with the resources available.

I have no doubt that residents are happy that there is a bustling Whalley Range Bazaar during the day, but not when it impedes on their evenings/weekends. However, without Operation Unity/Police support, I cannot guarantee that parking enforcement after 6pm can be routinely provided and yet most of the complaints are ASB after 6pm as per the email from the residents below. I have a finite number of CEOs that patrol the whole borough and cannot be in this specific location, 24/7, so my view is that we must stop adding to the historic ASB issues, by allowing venues such as this to operate into the late evening, especially when we cannot provide the services required, at the times required, to manage the enforcement of such.

I am also in support of the comments made by Simon from a Highways/Traffic perspective.

6.1.5 *Attached email (as referred to above): Highways Authority Network Manager

I have serious concerns with regards this and the negative impact it will have on the traffic volumes, anti-social parking (that is already evidenced). We have undertaken multiple joint operations on Whalley Range with concerning results (Andy and Lisa-Marie can fill you on the results).

We have had 5 slight and 1 serious accidents in the last 3 years, around the locus of this application and the increased vehicle movements and lack of sufficient parking will only compound the risks to all road users. We need to reduce the risks to residents and road users and not increase them by allowing the retrospective application to be passed.

6.1.6 Counter comments by the applicant (in response to the Highways objection):

- *Whalley Range is a District Centre. Policy 27 does not require individual businesses to make provision for car parking. This is a highly sustainable location, easily accessible on foot.*
- *The District Centre designation recognises not only the sustainable location but also the potential for linked trip. Many trips to the centre will be multi-purpose.*
- *The Council's car parking 'standards' were adopted in 2014 and are out of date following the revision of the Use Classes Order in 2020. The former 'A' Classes 1,2 and 3 have been subsumed into Class E. As the premises could in the future move between any of the Class E uses without the need for planning permission, there is no justification for using the former A3 standard.*
- *It is notable that the Council's new Local Plan 2021-2037 states at para. 4.142 that. "The Council's latest car parking standards were adopted in 2014. The Council is commencing a*

review of car parking standards to include clearer guidelines on minimum/maximum car parking provision (including both vehicle and cycling provision)”. The Council itself therefore recognises that the 2014 standards are not fit for purpose.

- *The Brookhouse Business Centre car park actually takes parking pressure off Whalley Range. It is very unusual, compared with other businesses on Whalley Range, in that it has its own on-site parking. The businesses operating from the different individual units use the car park at different times of the day. For example, the workshops will use it during the day and the proposed restaurant café would use it predominantly at evenings and weekends.*
- *Para 111 of NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Highways have not provided any evidence that this single application would result in either of these situations.*
- *Parking ‘requirements’ cannot be imposed in the absence of a policy basis which would justify them.*

[On the requirement to meet parking standards] -

This takes no account of the site’s location in a District Centre with access to sustainable forms of transport. As stated above, it is not appropriate to use the former A3 standard to determine a parking ‘requirement’.

[On generating an increase in parking numbers, from the outgoing use]

- This is not necessarily the case. A high proportion of the patrons of the café/restaurant will arrive on foot. There will also be a high proportion of linked trips, taking in other activities in the District Centre.

[On car parking / illegal parking on Whalley Range] –

The Business Centre was formerly owned by the Council and the car parking provision is the same as at that time, apart from the fact that the whole complex being under private ownership gives more flexibility in the spatial arrangement of parking, for example, parking in areas of the site not designated as marked bays. Businesses are not allocated designated spaces but naturally tend to use those closest to their particular unit. Each business within the Business Centre has a key to the barrier at the entrance to the site. The first person to arrive in the morning will unlock the barrier and the last person out at night will lock it again. The café/restaurant are likely to be the last business out at night. Because the car park serves all the businesses within the centre, and they all have the right to use it as part of their tenancy agreement, the barrier would never be permanently closed. The car park comprises a large area of land with more than sufficient capacity for all the units in the Business Centre. Space is available outside the marked bays. Car parking use varies by the type of business, some of the smaller businesses only use one or two spaces. It also varies throughout the day/week. For example, a car repair business will need parking during the day but a café/restaurant will be predominantly evening/weekend focused. Units 7 and 7a have 7 parking spaces immediately outside the units and Units 1 and 2 (ice cream parlour – not referred to in this Highways document) have 4. In addition there is access to other spaces within the Business Centre site which are not used by other businesses either on a permanent basis or at certain times of the day/week.

If vehicles park on double yellow lines within the Whalley Range District Centre there is a legal remedy available. The fact that illegal parking takes place “along Whalley Range” is not a planning consideration in the determination of this planning application.

[On existing parking saturation in the area] –

The site is covered by Policy 27 which has no requirement for on-site parking. However, unlike the majority of businesses on Whalley Range, this site is able to provide parking. There is, though, no requirement for this development to make up for deficiencies elsewhere in Whalley Range.

[On highway safety / creation of intensive movements] –

There is absolutely no basis for suggesting that the application proposal would create “intensive” movements. Even if the calculation that the development would need 19 car parking spaces is accepted (which it is not), 19 cars all arriving and departing at different times could by no means be called “intensive” in the context of the Whalley Range District Centre and, therefore, the implication that there are highway safety issues associated with the proposed development is wrong.

[Conclusion] –

Policy 10 does not solely focus on parking. Sub section 3 of the policy is as follows:

3. Development will be permitted provided it has been demonstrated that:

- i) road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced;*
- ii) appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council’s adopted standards;*
- iii) access by public transport is catered for either by providing for bus access into the site where appropriate, or by ensuring that safe and convenient access exists to the nearest public facility;*
- iv) measures are included to encourage access on foot and by bicycle;*
- v) the development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route; and*
- vi) the needs of disabled people are fully provided for, including those reliant on community transport services.*

The application proposal accords with this policy because:

- it will not interfere with the safe, efficient and convenient movement of highway users;*
- appropriate provision is made for access, off-street servicing and parking;*
- there is good access by public transport;*
- the site is in a District Centre with many complementary uses grouped together, encouraging access by foot or bicycle.*

6.1.7 ADDITIONAL HIGHWAYS COMMENTS (in response to the applicant’s rebuttal of their original Highways objection):

We respond to the rebuttal offered by the agent.

I will leave policies matter to planning and respond to the highway issues.

The site falls outside of the district centre, the highway authority therefore exercises the right to request adequate car parking is to be provided to support the use.

At the time of assessment the only standards adopted by the council are those used in the initial assessment, until further are adopted, the Highway Authority will continue to use those adopted in 2014.

I would reiterate the car parking within the Brookhouse Business Centre was always for the use of the tenants of the units and not for other businesses along Whalley Range. Before being sold the business centre tenants were largely small business/office spaces. The introduction of a food retail attracts a total different demographic and also larger number of customers more so when taking into account the opening hours which run from early morning though to late night.

The Café will in our opinion monopolise (if not already) all the parking spaces available which should be shared with all tenants.

I have visited the premises several times over the past week at various times.

I have observed on all occasions the car park was full to capacity with vehicles spilling out onto Whalley Range, unsafe traffic conditions. Each application is assessed on its own merits, use and location. The site already had a chawala operating within yards of the premises, with two further applications received for similar use. This application has been reviewed against the floor area that they have applied for, it is suggested in the rebuttal provided, that the spatial arrangement of parking, i.e. parking in areas of the site not designated as marked bays gives more flexibility. It is our opinion that this will actually lead to more confusion and irregularity of the space within the business centre. This is seen not as a positive but a negative, as this would lead to more parking on the highway in a dangerous manner. Public transport along this corridor is nonexistent, with the services being removed due to poor usage. The type of facility proposed attracts people from further afield and not necessarily travelling on foot.

We have contacted various departments within the council, who have provided evidence to reaffirm our concerns.

The Community Safety team highlights the number of complaints of parking issues, anti-social behaviour, and Driving and noise nuisance. Our parking and traffic colleagues have offered an update on the number of parking interventions and PCNS issued.

We stand by my initial comments. Nothing further that has been received by way of rebuttal to alter our opinion.

The traffic woes are current and are not going to be alleviated by this use, but exacerbated.

The safety of highway users is paramount the additional vehicle movement to an already heavily congested area, together with the lack of parking and control is evident to see from all concerned departments, including myself.

On the part of the network that already has a similar use close by, together with a traffic calmed highway outside the premises. We are not supportive of any additional uses that would make the situation worse.

We therefore reiterate our reasons for refusal:

To conclude we recommend refusal of the application:

- no parking is offered to support the increase in vehicle movements
- detrimental to highway safety
- contrary to policy 10 of the Local Plan Part 2

6.2 Public Protection

6.2.1 No objections, subject to conditions:

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Friday: 09:00 – 20:00 hours

Saturdays/Sundays: 10:00 – 20:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of use to minimise noise disturbance at residential premises.

Condition – Commercial Kitchen(s)

A scheme for the control of cooking odours and fan noise from the premises shall be submitted to and agreed in writing by the Local Planning Authority.

As soon as reasonably practicable, the agreed scheme shall be implemented and thereafter retained for the duration of the approved use.

Reason

To prevent loss of amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise.

Informative:

In determining an appropriate scheme the Local Authority will refer to the guidance document entitled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. To assist you with your odour and noise control scheme the Public Protection Service can provide a step-by-step guide, please contact Andy White (Env Protection Officer) tel: 01254 585585 for further details and advice.

Floodlighting

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (as appropriate)

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>
NB: The proposed development is within an E3: Medium district brightness area.

Condition – Air Quality (Small Commercial Development)

Prior to commencement of the development hereby approved, a scheme for the provision of charging points for low emissions vehicles shall be submitted to and approved in writing by

the Local Planning Authority. The scheme shall be implemented prior to commencement of the proposed use and retained thereafter.

Reason: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This condition implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Informative: Roller Shutters

Roller shutter(s) fitted to a shop window &/or door must NOT cause a noise nuisance at residential premises during opening/closing operation of the shutter(s) in accordance with the Environmental Protection Act 1990. Electrically operated shutters are recommended.

6.3 Cleansing

6.3.1 No objections.

7 **Publicity**

7.1 The proposed development has been publicised through letters to 35 properties and businesses in the immediate area, and a site notice was displayed on 10^h November 2022.

7.2 As a result of this, 3 objections were received, and a petition signed by 17 signatories, was received on the 29th January 2023.

7.3 The following is a summary of the objections raised:

- Principle – No need or demand, over development, Tip the balance of business/residential to business, Impact on health, Cumulative impacts of this and other businesses. The proposed outdoor seating area causes a negative and adverse impact on the area and is out of character with the surrounding area. Contrary to Local Plan Policy.
- Residential amenity - Noise and disturbance, anti social behaviour, public gatherings, loud music, etc. Operating hours late into the night. If approved, restrictive hours conditions should be applied, and gate to car park should be closed at 8pm. Various existing business breach their permitted hours of use. Others are opening without permission. Litter and waste is frequently left in the car park. Vermin infestation. “Gentrification” of the neighbourhood.
- Highway safety, accidents, Traffic and congestion, illegal parking on Whalley Range footway, blocking and damage to the footway. There are no parking enforcement officers, no double red lines and nothing is policed

due to 'funding'. Infrastructure already overwhelmed. No capacity for this extra footfall/vehicles.

7.4 The above matters have all been addressed, directly or indirectly, in the main body of this report.

7.5 The neighbour objections /petition is appended to this report, at Paragraph 10.

8 CONTACT OFFICER: Tom Wiggans – Planning Officer

9 DATE PREPARED: 03rd February 2023

10 SUMMARY OF REPRESENTATIONS

This is a petition against the exponential rise of dessert and tea shops and businesses in Blackburn and especially the Whalley Range area. This onslaught of the rise of businesses opening without proper planning permission is very alarming and amounts to a gentrification of our community and neighbourhood. We demand a moratorium on any new business outlets as they are bringing in high levels of traffic and noise as well as litter and vermin infestations into our neighbourhood. The current infrastructure is already overwhelmed and cannot support anymore businesses without thought for parking, litter and other hazards that are imported into the area.

Name	Address	Signature
ASIF IQBAL	140, WHALLEY RANGE	[Redacted]
M. GHCEWANA	10 BROOKHOUSE GARDEN	
H Khondr	6 Brookhouse Gardens	
Abid	144 W. Range	
GHASIB	146 Whalley Range	
IRFAN	150 WHALLEY RANGE	
MUSA I. PATEL	152 WHALLEY RANGE	
SAYED MOHAMMED	5 BROOKHOUSE GARDENS	
ARIF RAH	2 Brookhouse Gardens	
MOHAMMED AYAZ	105 WHALLEY RANGE	
Samin Patel	7 BROOKHOUSE GARDENS	
AZAM IQBAL	9-11 Brookhouse Gardens	
M-Farooq	1-Brook house Gardens-	

Name	Address	Signature
Rabina Yesmin	8 Brook House gardens	[Redacted]
Abubakar Siddique	8 Brookhouse gardens	
ENALID KHAN	109 WHALLEY RANGE	
MOHAMMED Siddique	12 Brookhouse gardens	

Objection 1 - Arif Bapu, Rec 23.11/2022

Dear Sir / Madam

Please accept this email as an objection to the planning application reference no 10/22/1004 due to the following reasons.

1: customers are parking and blocking public footpath in attendance to the

Sent from my iPhone

Objection 2 – A Iqbal, Rec 23.11.2022

Dear Sir/ Madam

Please accept this email as an objection to the planning application from the above stated business. The reasons for the objection are as that the business negatively affects neighbours and community due to an increase in noise (traffic and people), disturbance caused due to unreasonable operating hours late into the night, a general nuisance from the extra litter generated and dropped onto the floor. Furthermore, the business is causing overcrowding and over-development and the proposed outdoor seating area causes a negative and adverse impact on the area and is out of character with the surrounding area. The outdoor seating area is over-bearing in terms of its appearance and scale.

I would like to support this objection by citing elements from Blackburn with Darwen Core Strategy document 2011, Under part 4 - Targeted Growth Spatial Interventions page 103 states:"retailing will be permitted, provided it is demonstrated that there will be no unacceptable impact vitality and viability within other centres, on traffic generation, or on amenity." Further in this section on page 104 item 9.14 it states: "Recently the Whalley Range and Victoria Street area in Blackburn has begun to develop a specialism in fashion and to attract an element of "destination" shopping as a result. This is encouraged providing it does not adversely affect trade in the Town Centres themselves and providing local infrastructure and surrounding uses can accommodate it."

I would further like to cite Blackburn with Darwen Local Plan Part 2, 2015 document as a further basis for my objection. Chapter 5, Public Facilities page 101 Health - items 5.31 and 5.32 and page 102 policy 33, items 1 and 2. These specific sections quoted should provide the council justification to reject the planning application due to the detrimental effects on health in the community.

Another document I would like to quote is National Planning Policy Framework (NPPF), In section 8: Promoting healthy and safe communities item 92. (C) it states: "Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs..."

Item 93. (B) states: "Take into account and support the delivery of local strategies to improve health..." Note that the NPPF's emphasis is also on planning policies and decisions that aim to achieve healthy places for businesses.

The council should enforce a cessation of the business activities with immediate effect until the planning matters are resolved.

Yours Sincerely

A. Iqbal

Objection 3 – Arif Babu, 2 Brookhouse Gardens, Rec 24.11.2022

Dear planning,

Please consider my reasons below to the objections for planning ref no 10/22/1004.

Since the opening of the business at unit 7 & 7A there are continually customers parking on our estate at Brookhouse gardens and surrounding area, customers are also parking their vehicles on the

footpath outside of this unit and this has led to blocking public footpath, increase in the followings: noise, public gathering, litter, loud music, cars accidents, damages to the public footpath, I have attached a video of cars park outside these unit and other units please have a look, please consider giving the permission to the units the residential area will be deemed as high street or retail park, it is clear the road whalley Range does not have the capacity for the unit attendance customers, it's a residential area and needs to be protected as residential area. Our neighbourhood needs to remain protected which has been set out in Blackburn with Darwen Core Strategy & Blackburn with Darwen Planning.

Please reject planning for reference 10/22/1004.

Objection 4 – Mr Arif Babu, 2 Brookhouse Gardens, Rec 11th January 2023

Dear all

Further to receiving email from John wood it is now apparent unit 1 & 2 are under impression the approval of application reference 10/22/0920 is in approval! internal fixtures fittings for desert place has now commenced at unit 1 & 2.

Mii Chai also continues to operate till after midnight and resident's disturbance from customers and their customers parking at back of brookhouse gardens remains disturbance to residents with nuisance noises and cars, continually cars remain parking on whalley range directly outside of these operating business blocking of public footpath till close of business, it is clear the business of Mii Chai having put No Parking Sign on their front of business are not enforcing to there customers. Please see pic & video.

Also Butcher's remains in full operation of machinery usage whilst shutters open and now rodents are in view.

We residents ask you all to stop saying this department and that department get a grip and remind yourselves this is not commercial area it's residential area and we need to stop this of further exploding in earnest and only we can do this for residential and residents.

We residents as payee to the council are not receiving support and protection? why is that having provided substantial evidence after evidence we residents are still having our residential living disturbed at all times? Why is Whalley range filling station in Neighbouring details in planning reference 10/22/0920 & 10/22/1004 as well as the businesses units? Filling station are the owners of Brookhouse business centre and are all owners of the units as well as other businesses, it is clear this whole situation of planning applications is flawed.

We residents have continually use our spare resting and quality time to bring disturbances to your attention but yet nothing has been done from you all, when are you going to support and help us residents?

When are you now going to put your full recording of surveillance in place for 24 hours 7 days a week for full month to collaborate with us residents?

When is the planning committee meetings for these planning applications?

We residents 1 to 12 Brookhouse Gardens and 140 to 152 Whalley range have a signed petitions of this whole planning applications disapproval and also of full list of disturbances to our residential area etc etc to bring to the committee meetings, please provide a full details of person and address to send this to prior to the planning committee meeting?.

