

REPORT OF THE STRATEGIC DIRECTOR – Plan Nos: 10/23/1165 and 10/23/1166

Proposed Developments: (1) Advertisement Consent (10/23/1165): Installation of new illuminated fascia sign and retention of illuminated hanging barber pole sign (part-retrospective)

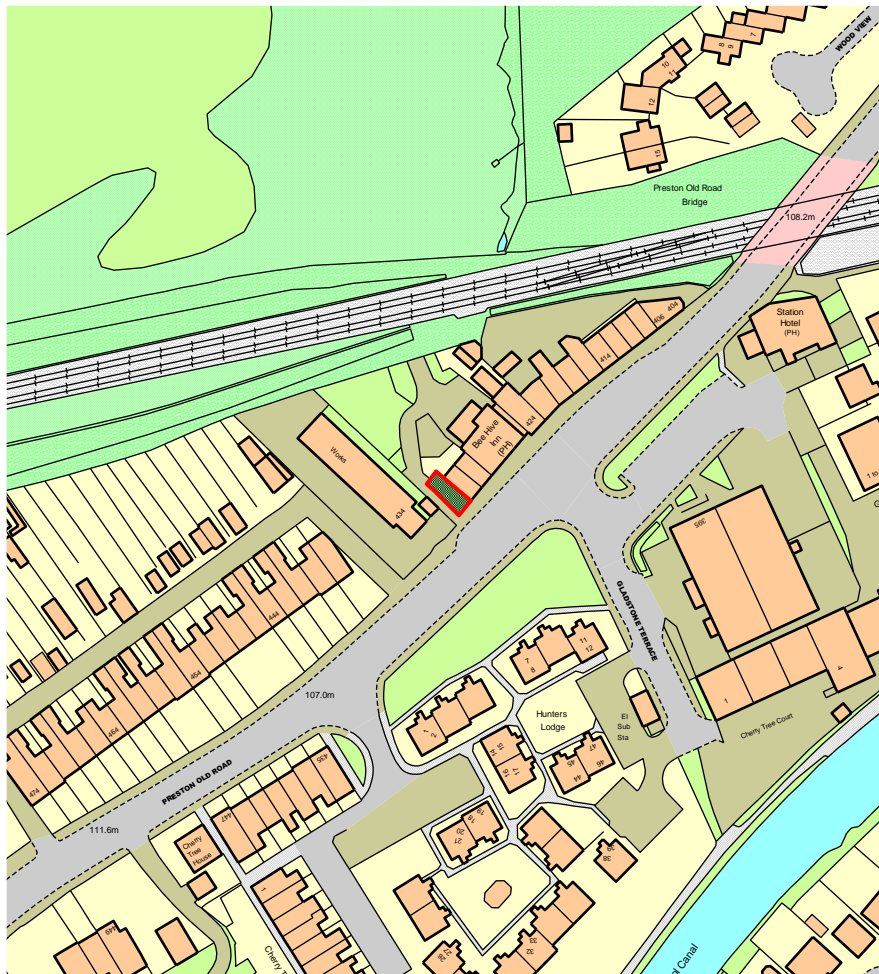
(2) Section 73 (10/23/1166): Variation of Conditions 2 "approved drawings ", and 7 "restrict use within Use Class E(a)" and removal of Conditions 1 "implementation period", 4 "security shutter details" and 6 "construction working hours" pursuant to planning application 10/22/0259, involving the "Change of use from a residential dwelling to a retail shop at ground and basement floor level with a first floor level apartment and installation of a shopfront and security shutter " – to allow for the retention of the barbers (Use Class E[c]) and alterations to shop frontage design (retrospective)

Site Address: 432 Preston Old Road, Blackburn, BB2 5LP

Applicant: Mr S Desai

Ward: Livesey with Pleasington

**Councillor Derek Hardman
Councillor Paul Marrow
Councillor Mark Russell**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed developments are recommended to be granted advertisement consent and planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The applications are presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the Section 73 application has received a large number of public objections together with objections from a Ward Councillor and Livesey Parish Council. A number of the objections received also relate to the proposed signage.
- 2.2 The Section 73 application has been publicised through letters to occupants of the nearest 13 adjacent properties on 3rd January 2024. In addition, a site notice was displayed on 10th January 2024. Ward Councillors and Public Protection were consulted for the advertisement consent application. 30 public objections have been received for the developments so far. Should any further comments be received ahead of the meeting they will be presented as part of the committee update report.
- 2.3 The Council's development plan supports new advertisement and commercial developments, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The application (10/23/1165) for consent to display an advertisement(s) is made under the Town and Country Planning (Control of Advertisements) (England) Regulations (2007). The application seeks consent to retain an external illuminated barber pole sign and modify an illuminated fascia sign, which displays the company name.
- 2.5 The application (10/23/1166) to vary conditions is made under Section 73 of the Town and Country Planning Act (1990). The application seeks retrospective consent to vary Conditions 2 and 7 of the permission 10/22/0259. In varying those conditions permission would be issued to operate a barber's shop from the site, which has a Use Class E(c) use. Alterations to shop frontage design are also proposed. In addition, three conditions that were originally imposed on the permission are no longer necessary and are required to be removed.
- 2.6 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.7 The key issues to be addressed in determining this application are as follows;
- Principle of development
 - Design and visual amenity
 - Residential amenity

- Highways and parking

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a two-storey, mixed-use building that is positioned within the settlement of Blackburn. It has historically been used as a terraced dwelling. Planning Permission (10/22/0259) was issued in 2022 to use the building for a retail shop at the ground and basement floor level with a one-bedroom apartment on the first floor. External alterations were also proposed to facilitate the change of use in the form of a shop front and security shutter. No applications for advertisement consent were made at the time.
- 3.1.2 Mixed-use buildings surround to two sides with residential buildings positioned to the southeast and open land to the northwest. The building has red brick and pebbledashed elevations, a slate roof, and brown uPVC windows. A dark grey aluminium shop front has recently been installed together with various signage to the front elevation.

Figure One – Location Plan and Satellite Image



3.2 Proposed Development

- 3.2.1 The advertisement consent application was originally submitted to retain various signs, which involve an illuminated fascia sign, illuminated external barber pole sign and internal LED barber pole sign. Amended plans have subsequently been submitted showing a more sympathetic signage scheme, which is shown below in Figure Two. A smaller fascia sign is now proposed and the internal LED barber pole sign has been omitted.

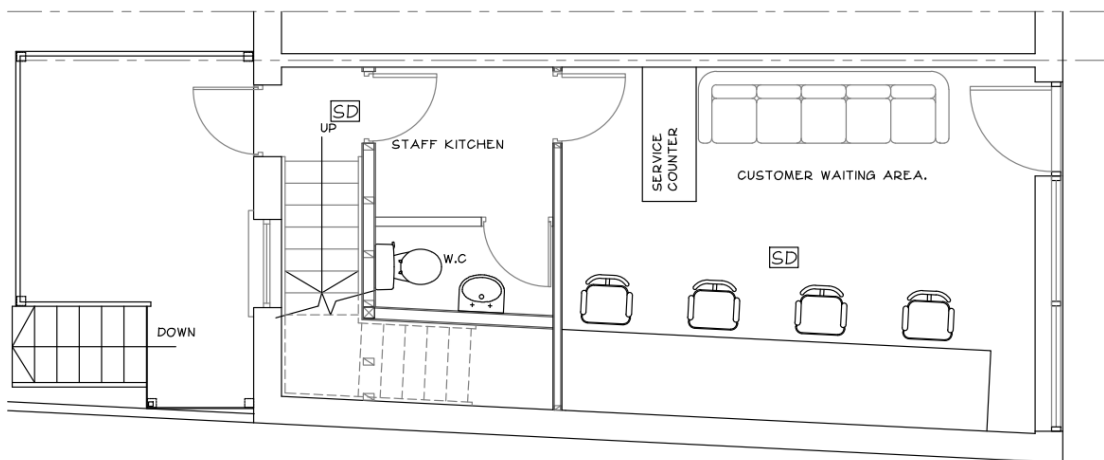
Figure Two – Comparison of ‘Approved’ and ‘Proposed’ Shop Fronts



3.2.2 The Section 73 application seeks retrospective consent to vary Conditions 2 and 7 of the permission 10/22/0259. Alterations to the shop frontage design are proposed through varying Condition 2. A slightly wider shop front has been installed when compared with the shop front originally approved, as shown above in Figure Two. The same framing materials as those approved have been used in the form of grey aluminium. A retractable security shutter of the same colour and with perforated panels has also been installed.

3.2.3 In varying Condition 7 permission would be issued to operate a barber's shop from the premises, which has a Use Class E(c) use. A number of wider uses within that Use Class could also be operated in the event that this application is successful. The submitted proposed floor plan shows a customer area to the front of the building with staff areas and access to the first-floor apartment positioned to the rear.

Figure Three – Proposed Floor Plan



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan 2021-2037 (adopted 25th January 2024)

Core Policies

- Policy CP8: Securing High Quality and Inclusive Design

Development Management Policies

- Policy DM02: Protecting Living and Working Environments
- Policy DM24: Outdoor Advertisements
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility
- Policy DM36: Local and Convenience Shops

3.4.2 BwD Parking Standards

- Food Retail: 1 car space per 16 sqm.
- Non-food Retail: 1 car space per 22 sqm.

4.0 **ASSESSMENT**

4.1 Procedural Matters

- 4.1.1 Concerns have been raised in public comments regarding the number of letters sent. National guidance states that all relevant applications ‘*must be publicised...by giving requisite notice... (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier*’.

4.1.2 Regarding the Section 73 application, a total of 13 letters have been posted to neighbouring occupiers and no letters were returned. In addition, a site notice was posted directly outside of the barber's shop. Those approaches exceed the statutory requirement to publicise such applications. There is no statutory requirement to publicise applications for advertisement consent, yet Ward Councillors are consulted for transparency. Any relevant public safety bodies are also required to be consulted.

4.2 Principle of Development

4.2.1 As detailed above, the site has an established commercial use on the ground floor and basement level in the form of a retail premises. The retail use was previously supported under Policy 32 of the former Local Plan, which has been replaced by Policy DM36. The term 'retail' is broadly defined as the '*sale of goods and services to consumers*', which a barber's shop falls within. Therefore, the proposals to vary the wording of Condition 7 does not conflict with Policy DM36, nor does it compromise the principle of development.

4.3 Design and Visual Amenity

4.3.1 The site is positioned as part of a row of commercial premises, which have a varied appearance. Policy CP8 states that the Council will require all new development to be of a high standard of design. Furthermore, Policy DM27 states that all development shall achieve a high quality, sustainable design consistent with several pre-defined characteristics. Concerns have been raised in public comments regarding the shop front and signage installed.

4.3.2 The shop front installed is only marginally wider than the shop front approved previously. No adverse visual design complications are caused by it. Furthermore, the security shutter installed matches the colour of the shop front and perforated panels have been used, which is acceptable. In addition to varying Condition 2, it is recommended that Condition 4 is removed from the consent as it is no longer necessary given that an appropriate security shutter has been installed. Based on those outcomes, compliance with Policies CP8 and DM27 is achieved.

4.3.3 Regarding the proposed signage, Policy DM24 states that the number, size and siting of signs in the area or on the building must not create clutter or excessive advertising. Amended plans have been secured during the application, as detailed above. Those plans show a number of positive amendments in the form of a smaller fascia sign and the omission of the larger internal LED barber pole sign. The signage scheme now proposed is acceptable in the context of this development and site.

4.3.4 The standard conditions required when issuing an advertisement consent are all recommend to be added. In addition, further conditions are recommended to limit the luminance levels of the advertisements and ensure the replacement fascia sign is installed within a reasonable timeframe. Such conditions are necessary in order to minimise the garishness of the signs and ensure a smaller fascia sign is installed. Subject to compliance with those conditions, the

proposed advertisements would be acceptable with reference to design and visual amenity, in compliance with Policy DM24.

4.4 Residential Amenity

- 4.4.1 Residential buildings are positioned nearby and safeguarding the amenities of those neighbours is an important material planning consideration. Policy DM02 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for existing and future occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, open space provision and the relationship between buildings. Concerns have been raised in public comments and by Ward Cllrs on residential amenity grounds.
- 4.4.2 BwD Public Protection have reviewed the merits of both applications and no objections have been raised. Conditions have been advised to control opening hours, the type of roller shutter to be installed, the brightness of any external lights to be installed and construction working hours. An opening hours condition was imposed on the original consent and no changes are proposed to that condition. The other advised conditions are not necessary as an electric security shutter has been installed and no external lighting is proposed. Moreover, external construction works have now been completed, with the exception of replacing the fascia sign. Therefore, it is recommended that Condition 6, which relates to construction working hours, is removed as it is no longer necessary.
- 4.4.3 Regarding use of the site for a barber's shop, it should be initially noted that such uses historically fell within the same commercial class (Use Class A1) as other shops, yet the introduction of the subclasses of Use Class E has altered that. Condition 7 imposed on the original consent limited the ground floor and basement level of the site to Use Class E(a), which involves *the display or retail sale of goods, other than hot food, principally to visiting members of the public*. Use of the premises as a dessert shop was alluded to by the Applicant during assessment of the original application. The reason for imposing the condition was *to prevent more intensive commercial uses being operated from the premises, in the interests of residential amenity*.
- 4.4.4 This Section 73 application involves using the ground floor for a Use Class E(c) purpose. Together with (a) *financial services*, Use Class E(c) involves (b) *professional services (other than health or medical services)*, (c) *or any other services which it is appropriate to provide in a commercial, business or service locality*. It could be argued that a barber's shop falls within either of those categories. A number of service businesses have historically existed in the immediate and wider locality, and it would be unreasonable to conclude that another such business would be harmful to the amenities of residential neighbours due to that.
- 4.4.5 When that position is considered alongside a lack of objection from BwD Public Protection and a condition to limit opening hours, use of the building for a barber's shop would be acceptable with regards to residential amenity. The

proposed signage is also acceptable in that regard owing to ample separation between the nearest adjacent dwellings at Hunters Lodge, at over 35m. For those reasons, the proposed developments are acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy DM02.

4.5 Highway Safety and Parking

4.5.1 The site is positioned off a main thoroughfare. Policy DM29 states that development will be permitted provided it has been demonstrated that 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. Appropriate provision must also be made for vehicle access and off-street servicing and parking.

4.5.2 Regarding signage, Policy DM24 states that such developments must not obscure visibility or distract the attention of users of the highway. The colours of the advertisement or its illumination must not obscure or reduce the clarity of any functional or traffic sign. Any visual movement, for example that of digital/electronic/LED advertisement displays, must not distract the attention of users of the highway. Pedestrian movement must also not be hindered. Concerns have been raised in public comments and by Ward Councillors on highways and parking grounds.

4.5.3 In relation to the requirements of the adopted Parking Standards, the proposed use would require less parking than the approved use. A number of short stay parking facilities together with regular public transport links are all within walking distance. Furthermore, the overall number of comings and goings associated with a barber's shop are likely to be less than many more conventional retail uses. Specific concerns have been raised regarding parked cars blocking the side road, which is used to access the rear of the row. Illegal parking is ultimately a Police matter. Moreover, there is no evidence to link such activity directly with the barber's shop. On that basis, use of the site for such a purpose would not be materially inimical to highway safety.

4.5.4 Regarding the signage, there are no traffic signs nearby to be obscured. The LED barber pole has been omitted from the proposals and the remaining signage would not dazzle nor distract passing motorists given its limited scale. Moreover, pedestrian movement is not hindered in any way from the proposed external barber pole. When those factors are taken together, the proposed developments are acceptable with reference to highway safety and parking, in accordance with the relevant requirements of Policies DM24 and DM29.

4.6 Wider Considerations

4.6.1 Further concerns have been raised in public comments regarding commercial competition and the height of the step at the access door. The former is not a material planning consideration. Access arrangements are a Building Control matter. The conversion works have been signed off previously by an Approved Inspector and the Council cannot now intervene with that outcome. Therefore,

those comments have no material influence on the assessment of these applications.

4.7 Summary

- 4.7.1 These applications seek consent to install illuminated signage (10/23/1165) and vary a number of conditions imposed on application 10/22/0259 (10/23/1166). The removal of some conditions is also necessary given the advanced stage of the development. Subject to appropriate conditions, the proposed developments would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance note 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 proposals would be acceptable in principle and in terms of design and visual amenity, residential amenity, and highway safety and parking.
- 4.7.3 The developments therefore comply with the development plan. There is a positive presumption in favour of approving the developments and there are no material reasons to object to the applications.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission and Advertisement Consent, subject to the following conditions;

Advertisement Consent

- 5.1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

REASON: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5.2 No advertisement shall be sited or displayed so as to;

- a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5.3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5.4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5.5 Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

REASON: Required to be imposed in pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5.6 Within 3 months from the date of this decision the existing signs shall have been amended/implemented in strict accordance with the details shown on the submitted plan '3698-01 – Revision B' (proposed front elevation), and those details shall not be varied without first being agreed in writing by the Local Planning Authority.

REASON: In order to ensure the existing signs are amended in accordance with the agreed details, in the interests of visual amenity, and to comply with the requirements of and to comply with the requirements of Policies CP8, DM24 and DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.7 The surface brightness of the advertisements shall not exceed 600 candelas per square metre, and they shall not include any intermittent light source or reflective material.

REASON: In order to limit the brightness of the sign, in the interests of visual amenity, and to comply with the requirements of and to comply with the requirements of Policies CP8, DM24 and DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

Section 73

- 5.8 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) and 3698-01 – Revision B.

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

- 5.9 The shopfront hereby approved shall be installed in strict accordance with the details shown on the submitted plans and those details shall not be varied without first being agreed in writing by the Local Planning Authority.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of and to comply with the requirements of Policies CP8, DM24 and DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.10 The commercial use hereby approved shall only operate between the hours of 7:00 – 22:00 Monday – Friday, 9:00 – 20:00 on Saturdays and 10:00 – 20:00 Sundays and Bank Holidays.

REASON: In order to minimise noise pollution for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.11 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the commercial use hereby approved is restricted solely to Use Classes E(a) and E(c) and no commercial operations outside of those Use Classes shall take place from the site whatsoever.

REASON: In order to prevent more intensive commercial uses being operated from the site, in the interests of residential amenity, and to comply with the requirements of and to comply with the requirements of Policy DM02 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

6.0 RELEVANT PLANNING HISTORY

- 10/22/0259 – Change of use from a residential dwelling to a retail shop at ground and basement floor level with a first floor level apartment and installation of a shopfront and security shutter – Approved, with conditions – July 2022.
- 10/17/1133 – Change of use from residential (C3) to a mixed-use comprising ground floor retail (A1) and first floor flat and installation of new shop front with internal roller shutters – Approved, with conditions – November 2017.
- 10/16/1245 – Change of use of residential dwelling (C3) to Hot food takeaway (A5), with new shop front and extractor flue to the rear with ancillary residential accommodation above – Refused (appeal dismissed) – April 2017.

7.0 CONSULTATIONS

- 7.1 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control opening hours, the type of roller shutter to be installed, air quality mitigation measures, the brightness of any external lights to be installed and construction working hours.

(Advert) No objections.

- 7.2 Livesey Parish Council – The current property does not allow for disabled access and the step at the front is far too high for elderly residents. As this a commercial entity there should at least be a ramp installed. Can you please bring this to the attention of the planning committee who I believe will be debating this application in their March 2024 Meeting.

- 7.3 Ward Councillor Mark Russell – 22nd January 2024 – The condition restricting usage to a retail shop was imposed to prevent more intensive commercial uses that might be detrimental to residential amenity. It therefore stands to reason that for this application to be approved it must demonstrate that the property's usage for professional services (specifically usage as a barbers shop) does not constitute a more intensive commercial use than usage as a retail shop, and that its usage as such has not been detrimental to residential amenity.

As this is a retrospective application, it has been evidenced that its usage as a barbers shop is more commercially intensive than would be expected of a small retail shop and it has had – and continues to have – a negative and unacceptable impact on residential amenity.

This is primarily because a barbers shop entails significantly different customer behaviours to what would be expected of a small retail shop. A retail shop of that size would probably expect its average customer to spend only a few minutes on the premises. Conversely, a barbers shop entails each customer spending significantly longer periods of time in situ. Even with no queue, the average haircut takes 10-15 minutes. However, there usually is a queue, resulting in customers remaining on the premises for anywhere between 20 minutes during quiet periods to over an hour at peak times.

Consequently, the average number of customers present on the premises at any one time is greater than would be expected if it were a small retail shop, representing a more intensive commercial usage (which the original planning condition was designed to prevent).

Indeed, the layout of the barbers shop is testament to it being a more intensive commercial usage. The shop has 3 chairs set out for haircuts and 'waiting' seats set out for 6 customers. This means that, at any one time, the business is expecting to accommodate up to 12 people (3 staff, 3 people having haircuts, and 6 waiting customers), all of whom – with waiting times – would probably be on site for at least an hour. It is unimaginable that a small retail shop of this size would have up to 12 people present at any one time for such prolonged periods. It is also unimaginable that a small retail shop of that size would have up to 3

staff working at any one time. It is therefore absolutely clear that the barbers shop represents a more intensive commercial usage than a retail shop.

The question, therefore, is whether the more intensive commercial usage could have a detrimental impact on residential amenity. The detrimental impact on residential amenity has primarily been evidenced in the form of parking problems caused by the greater number of customers being at the premises at any one time and remaining on site for longer than would be expected of the customers of a small retail shop. Since the premises opened as a barbers shop, adjacent residents have frequently complained about access to the rear of their properties being blocked by customers and / or staff of the barbers shop parking inappropriately. This has prevented residents being able to park their cars on their private land at the rear of their properties as they used to. More of them are now resorting to parking their cars on the public car park outside Sainsbury's (a car park which is frequently full to capacity), meaning the usage as a barbers shop has effectively caused a net loss to available public car parking spaces. It should also be noted that residents who still park at the rear of their properties complain they are frequently obstructed from exiting by customers parked across the access for significant periods of time while they are in the barbers shop. Cars have also been evidenced parking in the nearby bus stop across the bus stop shelter

Because this is a retrospective application we are not dealing with hypothetical or theoretical scenarios – a demonstrable nuisance has been created by the property's usage as a barber's shop that would be significantly lessened if the property was used as a retail shop in accordance with the original planning application. The nuisance has been to the detriment of residential amenity so the application should be refused and the original condition requiring usage as a retail shop retained in order to comply with Policy 8 of the Local Plan Part 2.

7.4 Summary of public responses received:

- An insufficient number of neighbour letters have been issued.
- The shopfront installed is not in keeping with the area.
- Existing parking issues are being exacerbated.
- Parked cars are blocking the adjacent side street.
- The signage installed is overly garish.
- The signage installed causes highways safety issues.
- The proposed use may take trade from existing businesses.
- The access step is too high.

8.0 CONTACT OFFICER: Christian Barton – Senior Planner

9.0 DATE PREPARED: 6th March 2024

10.0 SUMMARY OF PUBLIC REPRESENTATIONS

Objection – Cllr Mark Russell. Received: 22/01/2024.

10/23/1166 Objection

The condition restricting usage to a retail shop was imposed to prevent more intensive commercial uses that might be detrimental to residential amenity. It therefore stands to reason that for this application to be approved it must demonstrate that:

- A) the property's usage for professional services (specifically usage as a barbers shop) does not constitute a more intensive commercial use than usage as a retail shop, and
- B) that its usage as such has not been detrimental to residential amenity.

As this is a retrospective application, it has been evidenced that its usage as a barbers shop is more commercially intensive than would be expected of a small retail shop and it has had – and continues to have – a negative and unacceptable impact on residential amenity.

This is primarily because a barbers shop entails significantly different customer behaviours to what would be expected of a small retail shop. A retail shop of that size would probably expect its average customer to spend only a few minutes on the premises. Conversely, a barbers shop entails each customer spending significantly longer periods of time in situ. Even with no queue, the average haircut takes 10-15 minutes. However, there usually is a queue, resulting in customers remaining on the premises for anywhere between 20 minutes during quiet periods to over an hour at peak times.

Consequently, the average number of customers present on the premises at any one time is greater than would be expected if it were a small retail shop, representing a more intensive commercial usage (which the original planning condition was designed to prevent).

Indeed, the layout of the barbers shop is testament to it being a more intensive commercial usage. The shop has 3 chairs set out for haircuts and 'waiting' seats set out for 6 customers. This means that, at any one time, the business is expecting to accommodate up to 12 people (3 staff, 3 people having haircuts, and 6 waiting customers), all of whom – with waiting times – would probably be on site for at least an hour. It is unimaginable that a small retail shop of this size would have up to 12 people present at any one time for such prolonged periods. It is also unimaginable that a small retail shop of that size would have up to 3 staff working at any one time. It is therefore absolutely clear that the barbers shop represents a more intensive commercial usage than a retail shop.

The question, therefore, is whether the more intensive commercial usage could have a detrimental impact on residential amenity.

The detrimental impact on residential amenity has primarily been evidenced in the form of parking problems caused by the greater number of customers being at the premises at any one time and remaining on site for longer than would be expected of the customers of a small retail shop. Since the premises opened as a barbers shop, adjacent residents have frequently complained about access to the rear of their properties being blocked by customers and / or staff of the barbers shop parking inappropriately. This has prevented residents being able to park their cars on their private land at the rear of their properties as they used to. More of them are now resorting to parking their cars on the public car park outside Sainsbury's (a car park which is frequently full to capacity), meaning the usage as a

barbers shop has effectively caused a net loss to available public car parking spaces. It should also be noted that residents who still park at the rear of their properties complain they are frequently obstructed from exiting by customers parked across the access for significant periods of time while they are in the barbers shop. Cars have also been evidenced parking in the nearby bus stop across the bus stop shelter.

Because this is a retrospective application we are not dealing with hypothetical or theoretical scenarios – a demonstrable nuisance has been created by the property’s usage as a barbers shop that would be significantly lessened if the property was used as a retail shop in accordance with the original planning application. The nuisance has been to the detriment of residential amenity so the application should be refused and the original condition requiring usage as a retail shop retained in order to comply with Policy 8 of the Local Plan Part 2.

Typical photo showing barbers shop customer blocking the rear access



Objection – Chris Marsden. Received: 11/01/2024.

Please could I highlight my objection to the above planning permit. The shop currently looks horrific with bright lighting that doesn't fit in with the local area. Furthermore, since the barbers opened, it has attracted customers that park illegally in the middle of the road, causing a risk of traffic accidents.

As a member of the local community, I would like to note my objection to the authorisation of planning.

Objection – Lee Southworth. Received: 11/01/2024.

I would like to say I can not believe we have another Barber Shop opened up, on in the local area of Cherry Tree. We are already overwhelmed with barbers and hair dressers in the local area and I am firmly opposed to this decision. Surely this facility should have been designated as a retail shop or of

another use that would offer a facility to our local community. If it's not too late I would propose this decision is reversed and a better use of the unit is approved.

This area will become unwelcoming and unsightly with the current proposal and I and many members of the Community will seriously rethink about where we shop, which will have a negative impact upon the current businesses, which will effect their income and lively hoods.

Enough is enough, no more Barbers and please make better use of these facilities to serve the community as it's meant to.

Objection – Anonymous. Received: 11/01/2024.

I would like to contest the change of use of 432 Preston Old Road, Blackburn , BB2 5LP. This business should not have opened as a barbers and there is absolutely no requirement for a barbers in that location when there is already a well established barbers a few doors down. The owners of this new barbers have sneakily (in my opinion) opened a barber shop when they were supposed to open as retail space / offices and are trying to cheat the system. Opening a barber shop so close to another so potentially damaging to the already established barbershop a few doors down that has been there for years and this change of use should not be accepted.

Objection – David Walsh, 12 Langdale Road, Blackburn, BB2 5DW. Received: 11/01/2024.

Could you please explain why this barbers business has been allowed to operate in premises you agreed to be offices?

Objection – Peter Cox, 17 Rutland Street, Blackburn, BB2 1UY. Received: 11/01/2024.

I write to express my objection and concern to the new barbers at 432 Preston old rd applying for planning permission. There is already a barbers and there is not enough parking also. This will cause a dangerous hazard and upset the local people who also use Dillon's barbers who have been there legally for a number of years.

Objection – Chris Wray. Received: 11/01/2024.

Hi there I feel that there is not enough car parking around this area and there is an established barbers on this row of terrace already there's definitely no need for another around this area

Objection – Anonymous. Received: 11/01/2024.

I am writing to you to formally express my objection to the planning application 10/23/1166 submitted by the new barbers on 432 Preston Old Road who has opened and is trading illegally.

As I believe the original application was to open the premises as a office and residential space. This would suit the area well with regards to parking, opportunity and aesthetics. Having many different vehicles arriving and leaving in what is already a very busy area will

only lead to further congestion and accidents. Also, premises now has a very bright illuminated signage which surely must need planning within itself. The bright lights shine right across the street and must be a nuisance for the residents of the elderly accommodation across and other neighbouring properties. The business's on that row maintain a more traditional look to the facades which is in keeping with the area.

Furthermore, Jemma from Dillons Barbers is only a stones through away. Jemma who is not only the area's barber but friends with most of the community has worked hard for many years to build her business and life in Cherry Tree. She has gone through correct procedures and protocol when it comes to submitting her planning applications and it is very sad to see her business could be affected by the new barbers just popping up without proper thought and authorisation.

I am struggling to understand how Blackburn Council are allowing this business to open up daily without the proper planning consent. Surely if there was an accident with a customer or even a fire at the premises the barbers public liability insurance and business/premises insurance would be void due to the fact that they are illegally trading in that profession at that premises.

I would encourage Blackburn Council to carefully consider this application and please close down the barbers with immediate effect until the decisions are made about whether the area needs another barbers. Please be considerate to the impact it has upon residents and business's that have lived and traded legally in Cherry Tree for many years.

Objection – Ian Butcher. Received: 11/01/2024.

I write to you regarding the above application to the variation of a condition to planning application 10/22/0259 granted on 13/7/2022. I noted that this is a retrospective application as the work has already been completed in December 2023 and the premises are now trading as a barbers shop.

I feel that this is an abuse of the planning process as the original application was for a retail unit, there was never a mention of this being used as a barbers shop. There is already a barbers shop, a hairdressers and a nail and beauty salon in the same row of shops, there isn't the need for an additional barber shop in the area. I drove past the shop today and the hi visibility neon signs are totally out of character with the rest of the area, they are far too bright and ruin the look of the whole terrace.

I would kindly request that the new application is rejected and the shop is to be returned to its original purpose as a standard retail unit.

Objection – Josh Dent. Received: 11/01/2024.

I write to you concerning the matter reference above, I am concerned that the people making the application to open up as a barbers shop are trying to circumvent a rejection they already received after their first planning application which they then agreeing to open as retail/offices. They are obviously trying to get past this rejection and their agreement by sneaking it in as a change now and this should not be allowed.

Objection – Howard Thornton. Received: 11/01/2024.

I am emailing you with my concerns as I feel the above premises are not only breaching the planning permission it was granted but actually flaunting them.

We don't need another barber shop in Cherry Tree. There are already at least x3 in the local vicinity, all now established businesses and all serving the community well.

The issue of available parking has already caused problems along the shop row for the other businesses and the hours that the barber shop is open is also causing issues and disturbance to the local residents of which there is sheltered accommodation directly opposite.

I hope that you find this in order and that a rejection will be put in place and a decent retail premises allowed that the local community actually needs can be opened.

Objection – Anonymous. Received: 11/01/2024.

Could you tell me why a barbers shop has been allowed to open after planning was rejected

Objection – Josh Stevenson. Received: 11/01/2024.

I am writing in reference to the planning application 10/23/1176, to allow a continuation of the change in use to become a barber shop.

I was extremely surprised to see a barber shop open in this premise just before Christmas. Firstly because there are already many similar businesses in cherry tree and Feniscowles, but also because I was under the impression that the planning on this property was to only allow office or retail use, clearly a barber shop fits neither of these categories.

Since the business has opened there have been issues with vehicles parking right outside the shop front, rather than adhering to using the available street side and off street parking opposite which most other users of local businesses use.

I feel the new installed neon shop front is an eye sore and not in keeping with the more modest shop fronts along the street, it could also be a potential hazard to drivers passing by on a busy main road.

My main concern however is that the owners have clearly completely disregarded the original planning on the building and have decided to open a business without going through the appropriate channels. There are three other local hairdressers/barbers that now have direct competition, I believe if the owners had requested a change in use before they opened they would have been met with strong opposition, I believe they will have known this therefore decided to open regardless of planning hoping this would then go unopposed.

If this application is allowed to stand this will set a dangerous precedent for other potential business owners to look at flaunting planning regulations and simply deciding to open whatever business they see fit in local premises regardless of what planning is already held.

As a local to the area I am passionate about supporting local businesses and the local councillors and really do hope this application is opposed and the business is made to revert to the original planning of being used as an office or retail premise.

Objection – Anonymous. Received: 12/01/2024.

I am concerned that another hair cutting establishment has opened up on a stretch of premises in Cherry Tree that is already home to 2 hairdressers and a barber shop. Business for these people is hard at the best of times especially in the current climate. Also the facade of the newly opened premises is not in keeping with the area. My family and I have lived on the same row for 33 years and did not think we would have blackpool illuminations on our door step.

From my understanding the application was approved for office space and a retail outlet. Surely building inspectors have visited the property as they should, and seen the work being carried out and raised concerns that plans were not being followed.

The work had been carried out behind a closed shutter for a considerable amount of time so local residents had no idea of the outcome apart from the original planning application .

I hope you quickly come to the right decision as it is unsettling to the local community.

Objection – Anonymous. Received: 12/01/2024.

I would like to reject the application for another barbers, there is already 2 hairdressers and a barbers on the same row of shops. I do not see the need for a 4th.

Objection – Bradley. Received: 12/01/2024.

Subject: Objection to Planning Application Ref: 10/23/1166 - Retrospective Variation of Conditions

Dear BwDBC Planning,

I am writing to address the recent planning application, Ref: 10/23/1166, submitted by Mr. Desai, which pertains to a retrospective application for the variation of conditions within a previous application.

The application seeks a retrospective variation of conditions related to Conditions 2 and 7, concerning development drawings and the establishment's Use Class.

I would like to formally submit this response as an objection against the application, highlighting several key concerns:

- **Applicant's History with Planning Processes:** Notably, Mr. Desai has a history with planning applications, including a prior attempt (Application 10/16/1245) to change the use from a residential dwelling to a hot food takeaway, which was subsequently refused, with the appeal dismissed. This was followed by two additional applications for further change of use (Application 10/17/1133 and 10/22/0259). This history, coupled with the current application's attempt at a retrospective variation, suggests a troubling and ill-informed effort to undermine the planning process.

- **Non-Adherence to Previous Conditions:** The last planning decision notice highlighted specific conditions regarding the approved development, particularly in relation to the Use Class E(a) and adherence to detailed drawings. However, in December 2023, the applicant opened a barber shop, falling outside of Use Class E(a) and not complying with the conditions within the approved development drawings.
- **Visual Amenity and Policy Compliance:** The establishment's visual impact on the parade raises concerns, especially regarding outdoor advertisements and illuminations, which do not align with Policy 43 of the Blackburn with Darwen Borough Council Local Plan Part 2. The signage's bright lights and a colourful barber pole could potentially distract highway users.
- **Accessibility and Road Safety:** The location on a major route into Blackburn Town Centre raises issues related to accessibility, transport, road safety, and parking. With no off-street parking and increased demand due to a nearby supermarket, concerns arise about road safety and accessibility for users of commercial units, particularly with a bus stop immediately outside the establishment.

I appreciate your consideration of these objections and trust that the planning authority will thoroughly assess the potential impact of the retrospective variation on the surrounding area.

Thank you for your attention to this matter.

Objection – Andrew McGovern, 34 Kirkstone Avenue, Blackburn, BB2 5HJ. Received: 12/01/2024.

I am writing to express my concern about the use of the property located at 432 Preston Old Road, Blackburn, BB2 5LP as a barbershop. As you may be aware the first planning application for use as a Barbers Shop was rejected, with planning permission granted for retail/office use.

Clearly the re-submitted application set out a specific type of business i.e., Retail / Office use. Established already in the area is a barber shop – Dillions and I am concerned that the current business use at 432 Preston Old Road, Blackburn, BB2 5LP was specifically intended to open as an additional barber shop and not as the submitted / approved planning application. Clearly the submitted application was dishonest and provided no redress for the owner of Dillions to submit any objections at the application stage.

The clear and dishonest nature from the applicant for 432 Preston Old Road, Blackburn, BB2 5LP is evident from the fixtures and fitting and Neon signage installed, which would have been purchased and ordered in advance of the shops opening date.

I request action by Blackburn and Darwen Planning to address the current business at 432 Preston Old Road, Blackburn, BB2 5LP. Specifically, I request that the planning permission for the property be revoked and that the property be returned to its original application use as a Retail/Office space.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Objection – Mr P Exton. Received: 12/01/2024.

Dear Sirs

With reference to the above planning application.

I would like my objection to this application noted.

I don't see how two barbers shops can exist virtually next door to each other. There is already an issue with parking in the vicinity. The shop has already opened & is trading without planning permission.

This also look like a case of one rule of one & one for another!!

Objection – Mr Schofield, 424 Preston Old Road, Blackburn. Received: 15/01/2024.

i am writing to you to reject the planning for the barber shop at 432 Preston old road

my concerns are as a home owner on the same row

1- access to my home-

always blocking the entrance at the side of the building next to property 432 for the car park behind and my drive way

also this is people fire exit that keeps getting blocked for the 5 houses next to

2- original planning permission

in the original planning permission it was stated that it could not open as a barber shop or a hairdressers

barbers/hairdressers

already on the row we have 7 shop fronts three already are doing the same type of work so this doesn't make any sense or protection for the

small businesses that are already doing the same type of work (some this doesn't bring anything to the area only put more strain on the businesses in the area)

3- parking

in all the plannings that have been put forward it has been rejected as not enough parking

ie 1st when was put forward for fast-food and was turned down as no parking?

4-shop lights

the shop light are to bright for the main road and people that live directly Infront and also the road its self it distracts road users with all the flashing lights from the led lights flashing all the time

5-notice about planning

as a home owner on the row i am very disappointed that i was never notified about the plans and changes that have been put forward

i have also had to do all the research on the matter as no letters or anything from the local council. which is appalling that no one on the row apart from the next two buildings have been told about (which one when the first plans where put in was a empty building)

6 opening of the business

i am very confused that a house can change into a business and open up as what ever it wants to be without any passed planning permission or checks

and still be left to trade until these plannings have been passed

7 retail- offices

in the planning permission it states opening up as retail/offices but as you can see its opened up as personal care sector

so wrong planning has been up in

Objection – Anonymous. Received: 16/01/2024.

Dear Sir,

I would like voice my rejection to planning application for new barbers shop in Cherry Tree Blackburn. It seems unfair on the existing traders when there is no real case for yet another one on that row. The revolving barbers signs are a distraction to motorists so how do they get permission to place them there without planning. The parking there is already at its limit and has now been put under greater strain and the owners seem to block the residents who live on that stretch.

Objection – Karl Harrison, 422 Preston Old Road, Blackburn, BB2 5LP. Received: 17/01/2024.

Dear Sirs,

Objection to New Business opened following declined planning permission

I wish to object planning permission for 432 Preston Old Rd, Blackburn, BB2 5LP

1. My understanding is that the business has been opened under false intentions and that a loop hole is being exploited, which is under minding planning authority.
 2. The council need to encourage a variety of business to be opened in keeping with the area. There is no need for further hair salons/barbers in the area. Traditional shops I.e hardware store, butchers etc are wanted by residents.
 3. Parking and access has purposely been difficult and of concern. With parking on paths, bus stop and rear access road. I recently had to move onto the road with a pram due to vehicles on the path.
- I would appreciate if you could consider these points made.

Objection – Mrs Jemma Schofield, 424 Preston Old Road, Blackburn, BB2 45LP. Received: 18/01/2024.

Hi

I would like to object to the new barbers shop that's opened up As a business owner on the same row doing the same job (hair dressing) I have concerns that it has been opened illegally with no planning and also going against the councils objections saying it was not allowed to open as a barbers/ hairdressers And was agreed to open as a retail shop and apartment upstairs. But opened as something different? But opened up as something else with re prospective planning after. This building has gone from a normal house and made into a new business. Please can you let me know how this has happened without any checks or health and safety checks being done??

Parking

In all the planning it has been turned down because not enough parking on the area? Also the new barber/ and customers are blocking the access to the alley at the side of the building which leads to a car park at the back which shouldn't be blocked as this is a fire exit for five properties and 4 businesses

The new shop front

Please can you let me know how the shop front on the new building has been passed

1 all the lights are to bright and some nights on till 9 or 10 o'clock at night with the old people in hunters lodge being dazzled with them.

Also please can you also let me know how this business has been aloud to put up. A spinning light without planning as I was refused and told I would be fined as it's a distraction for the road users on Preston old road??

Area businesses

This new business brings nothing new to the area as in a 7 shop fronted row why would you need to add another hair dressers/ barbers as already have 3 hairdresser's/ barber's 3 food places and a nail bar so this makes no sense to open another hairdresser's/barbers and also no protection to the other small businesses.

Notices of planning

Please can you also let me know why only a couple of businesses have had a notice on this building and not everyone on the row, this is a close community and it's a shame that this has been done in

the dark without letting people know. The first planning was posted into an empty building so how are people supposed to know and nothing left on any sign posts.

Please can you let me know your response to all the above

Objection – Alan Cottam. Received: 22/01/2024.

What on earth is going on in Blackburn with Darwen Planning Dept.

It is becoming like the Wild West, with no regard to the rules of determining what should be allowed and what should not?

This end terraced house was to be used as a takeaway, then it was to be used as a retail facility and now planning is sought for a hair-cutting business.

Issue One

There are already 4 hair-cutting businesses in this stretch

Issue two

There is insufficient car parking spaces

There is zero management of the parking conditions

There is constant blocking of the access road leading to the rear of the shop.

There is abuse of the new bus stop, which in itself permitted an extra space.

Also the car parking across the road needs to have managed permitted parking times because rail passengers are clogging it up with all-day parking. This is on top of Sainsbury never ever providing the 24 dedicated spaces required by its planning consent.

Issue three

There is a rule that once a type of use has been reached in a given block, then this excludes any more of that type of use being allocated. This is different to the limiting of competition.

You also need to look at the financial model of this type of enterprise, due to the misuse of start up funding putting unfair pressure on established businesses? It seems like this model of financial support for hair-cutting enterprises is being used too often and should be curtailed?

General notes

The used of so-called businesses piggy-backing into retail centres with limited parking is becoming more prevalent and needs to be better managed by the planning authority?

Objection – Peter Hodkinson. Received: 22/01/2024.

I would like to object to this application because the proposed use 'class of barbers' is not necessary in this well supported location. The design of the shop frontage is incongruous with the existing adjoining buildings.

Objection – Mark Wray. Received: 22/01/2024.

Dear Sir

I am exasperated to find that there is to be another Barbers Shop in Cherry Tree, there are already three existing businesses dealing with hair along this

short row of shops.

The arrival of yet another barbers is putting further strain on the existing businesses.

Originally this new business was going to be a fast food takeaway business and that is what other local businesses were told, it now transpires that the original description of the business has been changed and the original planning permission was not altered

Is this a new way of obtaining planning ? seek it retrospectively once you are already up and running ?

The reason for submitting planning permission, in my view is so that the local authority can look into the matter thoroughly and Impartially so that any impact can be assessed, with a view that the feelings the local residents, local businesses can be taken into consideration, this dose not appear to have happened in this particular case.

The issue of parking has become more of a problem over recent weeks, local residents are being blocked in as they cant get to the rear of there properties through the constant blocking of the alleyway, the only access to the rear of the row of shops and dwellings, there are more and more instances of parking on pedestrian walkways outside Mambos, delivery's to the rear of the properties is being hampered by inconsiderate parking, there is a time limit on parking forward of the bus stop, that is at no time being monitored to mention but a few parking issues.

The new shop is trading well into the night, with the garishly lit barbers pole upsetting the elderly local residents living on the opposite side of the road.

I hope that this email is received with my best intentions and can further enhance the annoyance felt by local residents, local businesses and loyal customers of this row of shops

Objection – Paul Mcgrath. Received: 23/01/2024.

I would like to oppose the conversion of the said dwelling on the grounds that there is already a successful and popular barbers a few doors down. This new application is bound to cause unnecessary harm to the existing one and is not needed in the area.

I also oppose on the grounds of the frontage. The lights and style of the new business are not in keeping with the businesses alongside.

Objection – Gary Bickerstaffe. Received: 23/01/2024.

Please accept this email as an objection to the above ref as there are, already three hairdressers on this stretch of shops, which may put the business of one of the existing shops in danger.

Objection – Rory Needham – Clerk to Livesey Parish Council. Received: 29/02/2024.

At the Parish Council meeting In February 2024, all Parish Councillors objected to the above scheme which I believe is a retrospective planning application.

Scheme

Variation/Removal of Condition/Minor Material Amendment Proposal: Variation of Condition Nos 2 "approved drawings ", and 7 "restrict use within Use Class E" pursuant to planning application 10/22/0259 "Change of use from a residential dwelling to a retail shop at ground and basement floor level with a first floor level apartment and installation of a shopfront and security shutter " - to allow for the retention of the barbers (Use Class E(c), and alterations to shop frontage Location: 432 Preston Old Road , Blackburn , BB2 5LP.

Reason for the Objection

The current property does not allow for disabled access and the step at the front is far too high for elderly residents. As this a commercial entity there should at least be a ramp installed.

Can you please bring this to the attention of the planning committee who I believe will be debated this application in their March 2024 Meeting.

Comment – Huy Tran. Received: 17/01/2024.

I'm writing to view my concerns in regarding to the new barber that had open on 432 preston old road. Not only it very distasteful & bright but it make parking more & more difficult for me & my clients.

As a business owner in cherry tree I just want some clarity on the new barber as I didn't receive any notices of permission.

Comment – Holly Rowland-Kozlowski, 430 Preston Old Road, Blackburn, BB2 5LJ. Received: 17/01/2024.

My concerns of the planning permission submitted are that the business trading at 432 seems to have opened before being approved?

If this is acceptable then why the need to submit planning permission in the first place?

We do have a barber already trading 4 doors up and it seems unfair on an established business to then suffer as a result of another one opening.

My shop was recently done up and a new sign erected etc....when I bought my property in April 2023, my solicitor advised me to check with neighbours regarding how big or bright my signage would be. This was carefully considered in order not to offend residents with the brightness and therefore my sign was carefully designed in respect of that.

The business trading at 432 seem to not have considered and other business of residents of the area and have gone 'all out' in terms of this which doesn't, in my opinion, suit the area.

The smokers from 432 are hanging around/leaning on my shop front which causes my staff and clients to feel intimidated at times. This does cause unnecessary negative talk from locals.

Regards to effecting my business, I'm not really offended by what trades next door to my business so long as the shop itself is kept nice, bins are disposed of correctly and staff/clients of 432 are considerate when parking.

Hope this helps.
