

Proposed development: Minor Material Amendment: Removal of Condition No. 6 "temporary time restriction" and Variation of Condition No. 7 "opening hours" pursuant to planning application 10/21/1312 " Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective)" to remove temporary permission limitation and allow permanent opening hours of 09:00 - 21:00.

**Site Address:
Unity House
First Floor 49-51 Preston New Road
Blackburn
BB2 6AE**

Applicant: Mr Amar Abbas

**Ward: Wensley Fold
Councillor David Harling
Councillor Quesir Mahmood
Councillor Sabahat Imtiaz**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

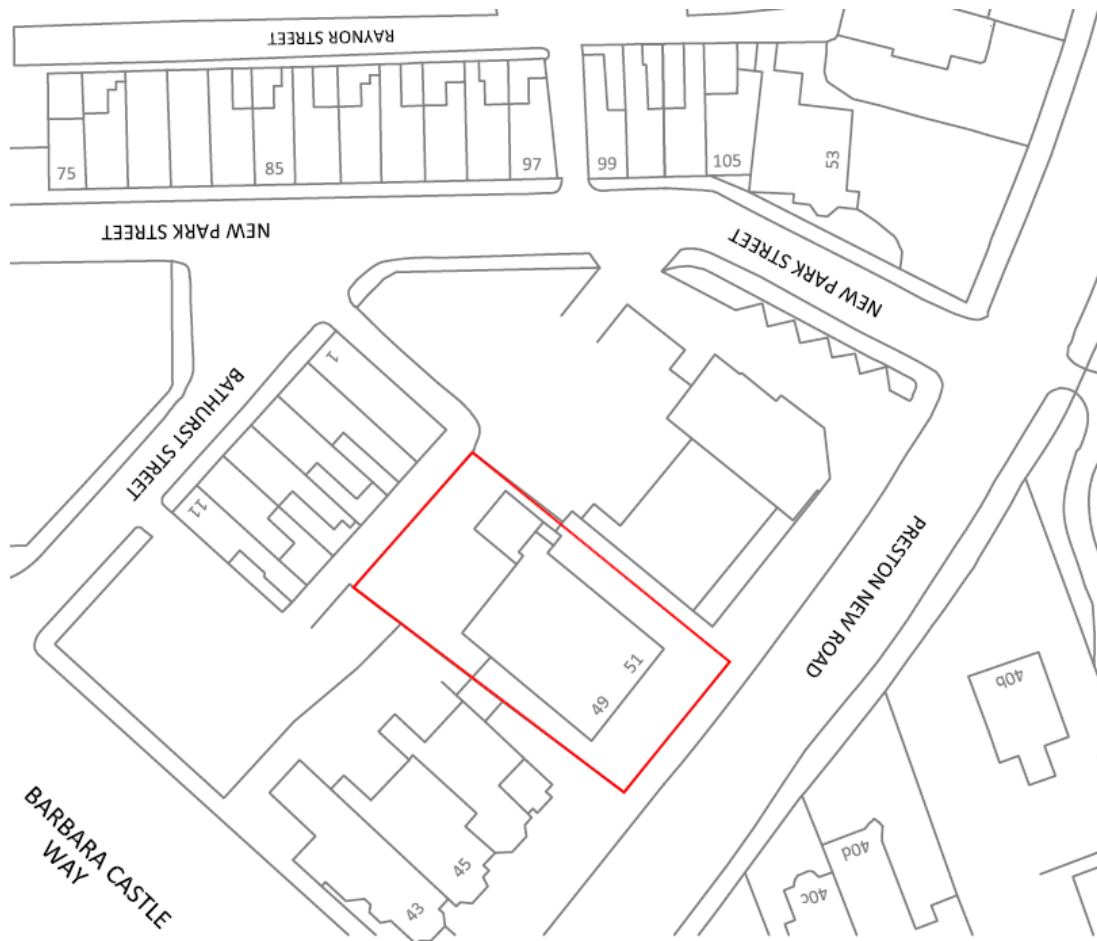
- 2.1 The application is reported to Committee as it represents a material amendment to a planning application approved by Committee in May 2022, due to receipt at that time of a significant number of neighbourhood representations. Determination of this application by Committee is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended). The proposal seeks to remove condition no. 6, to allow a permanent use, and to vary condition no. 7, to allow extended operating hours, in accordance with the above development description. Members originally approved the application subject to a temporary 12 month period to allow assessment of highway impacts at drop-off and pick-up times, following significant concern expressed by local residents. Submission of the application follows an operational period of use during which impacts have been monitored by the local community and, on occasion, by Council officers.
- 2.3 Members are advised that all conditions attached to the original planning permission which are required to be discharged, have been discharged under the discharge of condition application process.
- 2.4 Assessment of the application finds the proposed amendments to be acceptable. The development would, therefore, remain in accordance with the requirements of the Local Plan 2021 – 2037 - which supersedes the previous Development Plan comprising The Core Strategy (2011) and Local Plan Part 2 (2015) against which the original application was assessed and approved - consistent with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) is located on the first floor of Unity House, at 49-51 Preston New Road, Blackburn. The building is accessed from the Preston New Road frontage. In-curtilage parking is also available from this point, via a dropped kerb vehicle crossover. Primary parking as well as a drop-off and pick-up area is provided to the rear of the building, accessed from New Park Street. The remaining 3 floors of the building are occupied as offices by multiple users.

- 3.1.2 The area is generally characterised by the presence of a range of commercial uses, along the Preston New Road corridor. New Park Street and Bathurst Street to the rear are predominantly residential streets.
- 3.1.3 Approximately 70m south-east of the application site, Preston New Road forms a four-arm signal-controlled crossroad junction with the A666, at the edge of the town centre.
- 3.1.4 The site benefits from its sustainable location, with bus services available along Preston New Road which provide regular services to various locations within Blackburn and Preston.
- 3.1.5 The site is identified edged red in the location plan below (Core Architectural Studio, Nov 2021) and the case officers site photographs, which also include car parking to the side / rear of the building.





3.2 Proposed Development

- 3.2.1 Removal of Condition No. 6 "temporary time restriction" and Variation of Condition No. 7 "opening hours" pursuant to planning application 10/21/1312: "Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective)" to remove temporary permission limitation and allow permanent opening hours of 09:00 - 21:00: Both conditions are set out in full below:

6. *The use hereby permitted shall be discontinued on or before 26th May 2024.*

REASON: In order that highway and amenity impacts arising from the development can be assessed during this period, and that any future application can be decided on the basis of this assessment, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

7. *The use hereby permitted shall take place between the hours of 16:30 and 19:30.*

REASON: In the interests of highway safety and efficiency and to safeguard residential amenity, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

3.2.2 Condition no. 7 as varied would be as follows:

7. *The use hereby permitted shall take place between the hours of 09:00 and 21:00.*

* *REASON: In the interests of highway safety and efficiency and to safeguard residential amenity, in accordance with Policies DM02 and DM29 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.*

* Note the change in Local Plan / policies as a consequence of adoption of a new Local Plan since the original grant of planning permission.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises The Blackburn with Darwen Borough Council Local Plan 2021 – 2037. In assessment of the proposed amendment, the following are the most relevant policies:

- Policy CP9: Transport and Accessibility
- Policy DM29: Transport and Accessibility
- Policy DM02: Protecting Living and Working Environments

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework – Dec 2023 (The Framework)

3.4.2 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 Principle

The principle of the development is established by the original grant of planning permission to which this amendment relates. This assessment is limited to the following matters:

- Accessibility and transport impact; and
- Amenity impact – ie protection of living and working environments.

3.5.2 Highways / Transport and Accessibility

Policy DM29 requires, in general, that road safety and the safe and efficient and convenient movement of all highway users, included pedestrians and the disabled, is not prejudiced.

3.5.3 During the period of operation following the original grant of planning permission until receipt of the subject application (approximately 21 months), no severe impact on the highway network has been witnessed or reported, with specific reference to overspill parking and queuing. Accordingly, subject to continued adherence to the approved 'Car Parking Code of Conduct Scheme'; sign positing and marshalling of a drop-off and pick-up zone within the car parking area to the rear of Kaspas / Units 1 – 2 Preston New Road; and the Green Travel Plan, removal of the temporary period of use restriction to enable a permanent use, is deemed acceptable.

3.5.4 No objection is offered by the Council's Highway consultee who has, on occasion, visited the site during peak drop-off times, when the satisfactory management of traffic generated by the use was observed.

3.5.5 It was confirmed at the time of the original application that the applicant has a written 99 year lease agreement for use of the 28 space car park to the rear of Unit 1 -2 Preston New Road (Kaspas), between the hours of 16:45 to 19:20. It is now confirmed that the lease agreement has been amended to align with the proposed extended hours of use to between 09:00 and 21:00.

3.5.6 It should also be recognised that the site holds a position on the edge of the town centre, in a sustainable location which is easily accessible by public modes of transport.

3.5.7 Accordingly, Highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policies CP9, DM29.

3.5.8 Amenity

Policy DM02 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety for surrounding uses.

3.5.9 The applicant has confirmed a desire to extend operating hours to provide greater flexibility. The relative success of the venture amongst the local

community is cited as a reason for this, to allow teachings outside of the original hours, particularly at weekends. Extending the hours to 09:00hrs to 21:00hrs would not necessarily mean that the use would operate daily between those hours.

3.5.10 It is considered that no significant adverse amenity impacts would arise from the proposed extended hours of operation.

3.5.11 Accordingly, it is found that satisfactory levels of amenity would be maintained, in accordance with the requirements of Policy DM2 and The Framework.

3.5.12 Summary

This report assesses the section 73 application removal of Condition No. 6 "temporary time restriction" and Variation of Condition No. 7 "opening hours" pursuant to planning application 10/21/1312 " Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective)" to remove temporary permission limitation and allow permanent opening hours of 09:00 - 21:00. The assessment demonstrates that the planning decision must be made in the context of assessing the development balanced against any potential harm that may arise. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen borough Local Plan 2021 – 2037 and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to conditions.

Note: Conditions are re-sequenced from the original due removing condition no. 6 – ie varied condition no. 7 (highlighted) is now condition no. 6.

Delegated authority is given to the Strategic Director of Growth & Development and Assistant Chief Executive to approve planning permission, subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application form and Location Plan received 2nd February 2024.

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

2. The 7 car parking spaces identified on the submitted Block Plan & Car Park Plan, Ref. 00187, shall be permanently retained for the use of staff parking for users of the application site and not for any other purpose, including parental parking and drop-off and pick-up associated with the use hereby approved.

REASON: To ensure the safe, efficient and convenient ingress and egress at the site for all highway users, in accordance with Policies CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

3. Within 1 month of the date of this decision, a detailed 'Car Parking Code of Conduct Scheme' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify precise measures to be agreed between the applicant and all parents who will arrive and depart from the site by motor vehicles. The development shall proceed in strict accordance with the approved scheme which shall be so retained.

REASON: To provide for effective control of parental parking, in the interest of safeguarding the amenity of residents and the residents only parking status of New Park Street and Bathurst Street, in accordance with Policies CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

4. Within 1 month of the date of this decision a scheme detailing sign positing and marshalling of a drop-off and pick-up zone within the car parking area to the rear of Kaspas / Units 1 2- Preston New Road, as defined by the 28 space car park identified on the submitted site Block Plan & Car Park Plan, Ref. 00187, shall be submitted to and approved in writing. The development shall proceed in strict accordance with the approved scheme which shall be so retained.

REASON: To provide for effective control of parental parking, in the interest of safeguarding the amenity of residents and the residents only parking status of New Park Street and Bathurst Street, in accordance with Policies CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

5. Within 2 months of the date of this decision, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Green Travel Plan shall contain:

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

The development shall proceed in strict accordance with the approved Green Travel Plan which shall be so retained.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policies CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

6. The use hereby permitted shall take place between the hours of 09:00 and 21:00.

REASON: In the interests of highway safety and efficiency and to safeguard residential amenity, in accordance with Policies DM02, CP9 and DM29 of the Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

5.0 PLANNING HISTORY

- 5.1 10/21/1312 - Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective). Approved by Committee May 2022.
- 5.2 Conditions attached to above permission have been discharged under the following application nos: 10/22/0654 and 10/22/0759.

6.0 CONSULTATIONS

6.1 Highways

No objection.

6.2 Public Consultation:

As a result of the public consultation, 2 objections have been received in addition to 6 supporting comments. A petition including 4 signatures was also received in support of the application. See Summary of Representations.

7.0 CONTACT OFFICER: Nick Blackledge, Principal Planning Officer

8.0 DATE PREPARED: 5th March 2024

9.0 SUMMARY OF REPRESENTATIONS

Objection – Elaine Hosker, 81 New Park Street, Blackburn, BB2 1DF. Received: 19/02/2024

Regarding the recent planning application for 49-51 Preston

New Road and the proposed increase in opening hours, I wish to lodge an objection.

At the moment, children are dropped off at 5pm and picked up at 7pm, and the volume of traffic on New Park Street is horrendous. Cars are driven at speed down the street and on neighbouring Bathurst Street. Such is the volume, and chaos, there is not enough space on Kasper's car park, which often leads to cars blocking access to the residential parking space. Some parents have abused homeowners, resulting

in the Police being involved.

We object to the opening hours being extended for the reasons mentioned above.

Objection – Mr John Ljevar, 87 New Park Street, Blackburn, BB2 1DF. Received: 26/02/2024.

I object to the planning application 10/21/1312. Due to the parking , hours from 09:00 to 21:00. Because the times for our parking permits are only from 8:00 to 18:00 hours. So we will struggle to park our cars after 18:00 . We already have a large amount of traffic in the street. Due to the Queen Vic chip shop. And kaspas ice parlour. The Mosque on Preston New Rd facing New Park St. Plus the Mathematics school and Music School, Samaritans offices where people drop off. Also College night Students. Don't forget the students of Unity House parents dropping off their children . I think this is enough concentration of traffic for our street which is a cul-de-sac . I am not against children being educated . But I draw the line of all the traffic congestion that it is causing. us and a heavy pollution presents. Would you like to live here with it all.

Support – Firoza Mohamed, PO Box 427 BB1 5WQ. Received: 15/02/2024.

Re Unity House, First Floor, 49-51 Preston New Road, Blackburn, BB2 6AE

I write in support of the request to remove temporary permission at the above site and allow permanent opening hours.

We are based on Floor 2 of Unity House and can confirm that the Marshalls manage the madrassa traffic very well they are organised and prompt. so the traffic is flowing and does not affect Preston New Road. The car park and general area are regularly cleaned, litter picking carried out by the children and parents to encourage ownership and responsibility. Prior to this lots of rubbish from the dessert place would be littered around. We are very pleased for this initiative and can confirm have not seen rats around as previously they were very visible.

We are regularly updated by the staff at Floor one who manage the access and have no objection to their request.

Support – Safina Begum, 101 New Park Street, Blackburn, BB2 1DF. Received: 20/02/2024.

I am writing to express my endorsement for the removal of all conditions imposed on Unity Educational Trust, as detailed in the aforementioned application. They have my full support.

Since September of last year, my grandson has been actively participating in the services offered by the organisation. I am thoroughly satisfied with the quality and extent of their contributions to the community. Their exemplary performance in traffic management deserves commendation.

Support – Faria Hussain, 89 New Park Street, Blackburn. Received: 20/02/2024.

Your Reference: 10/24/0110 - Unity Educational Trust

I have recently enrolled my son at this organisation, as I believe in what they provide as a service to the community is exemplary.

With the traffic marshalls every day there are no issues, and I thank them for keeping the local area clean and tidy.

I write to support the removal of all conditions for Unity Educational Trust.

Support – Mr Amjad Garoog, Kaspas Blackburn Ltd. Received: 22/02/2024.

Subject: Unity Educational Trust, Unity House, 49-51 Preston New Road, Blackburn, BB2 6AE (Your ref: 10/24/0110)

I confirm I am the proprietor of Kaspas Blackburn Ltd.

I write to confirm that I have no objections to the Variation/ Removal of Conditions for the above, in fact we fully support the application.

Unity Educational Trust has consistently maintained a safe learning environment, implementing dedicated traffic marshals and ensuring cleanliness through regular litter picking not only within their premises but also in the surrounding neighbourhood. During recent snow conditions, they actively took the initiative to spread salt, benefiting us as their neighbours. This exemplary conduct speaks volumes, and we extend our best wishes to them.

Support – Omer Mahmood, 75 New Park Street, Blackburn, BB2 1DF. Received: 22/02/2024.

I'm writing to confirm that I have **NO** objection in regards to the **removal of condition No 6 "temporary time restriction" and variation of condition No 7 "opening times"**.

We are more than happy for the removal of condition No 6 and No 7.
