

**Proposed development: Full Planning Application for Erection of new community and funeral centre comprising community hall, mortuary, and ancillary facilities (Use Class F2, (b))**

**Site Address:  
Land at Ash St  
Blackburn  
BB1 6LX**

**Applicant: KMWS Kokni Muslim Welfare Society**

**Ward: Bastwell & Daisyfield**

**Councillor Parvaiz Akhtar,  
Councillor Iftakhar Hussain,  
Councillor Shaukat Hussain.**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 **APPROVE** – The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5 of this report.

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

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution given the named applicant of the application (declared on the submitted application form) is an employee of Blackburn with Darwen Borough Council.
- 2.2 The proposal is in the form a full planning application for a minor development to provide a new community and funeral centre (Use Class F.2, b)). The proposed building will be used in association and ownership with Masjid-al-Momineen Mosque, which is located immediately adjacent to the south of the proposal site. The proposed development will also include car parking, hard and soft landscaping to the external areas.
- 2.3 The proposal, in redeveloping a redundant brownfield site for the purpose of a community use, represents a viable and sustainable form of development. It will deliver a number of social, economic and environmental benefits which aligns with a number of relevant Policies set out in the Blackburn with Darwen Borough Council Local Plan 2021-2037 and National Planning Policy Framework.
- 2.4 In summary, assessment of the application finds that the proposal is acceptable, with all material planning considerations and issues having been addressed throughout section 4 of this report. A number of planning conditions are recommended to control the development and allow adequate mitigation of any concerns established.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site relates to a parcel of vacant, previously developed land accessed from Ash Street to the south and bounded by Plane Street to the north and Beech Street to the east. It formerly comprised of terraced housing which were demolished in the 1980s. To the west is vacant land within the same ownership. Ownership also includes the Place of Worship to the immediate south, also accessed from Ash Street.
- 3.1.2 Land levels on the site are relatively consistent, albeit there is a gradual slope towards the southern boundary which drops down to Ash Street. It currently comprises of partly grassed areas and hard surfaced which appears to have

been used temporarily as an overflow car park to support the adjacent Mosque use.

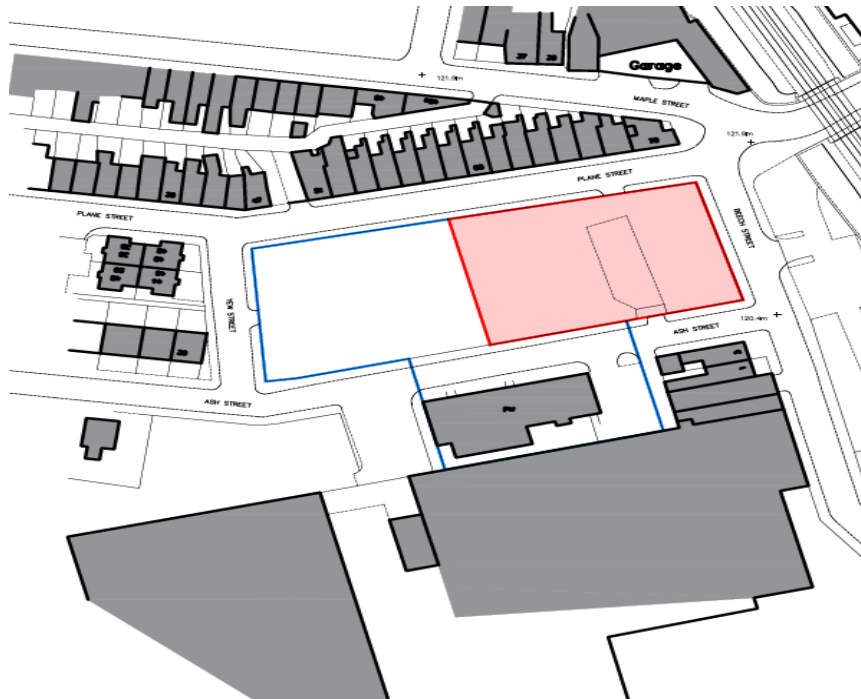


Figure 1: Location Plan showing extent of the site

3.1.3 The site is not allocated for any specific purpose, in accordance with the Adopted Policies Map of the Local Plan. The surrounding area is predominately residential in nature, with several commercial uses intervening. Bastwell District Centre is positioned a short distance away to the west. There is a relatively large car park situated to the east of the site which serves Little Harwood Health Centre, and just beyond this is the railway line.



Figure 2: Google aerial view of the application site

## 3.2 Proposed Development

3.2.1 Full planning permission is sought for the for the erection of a new community and funeral centre building (Use Class F2, (b)) comprising of a large hall area, a mortuary and ancillary facilities (i.e. reception, w/c's) together with associated off-street parking and soft landscaping.

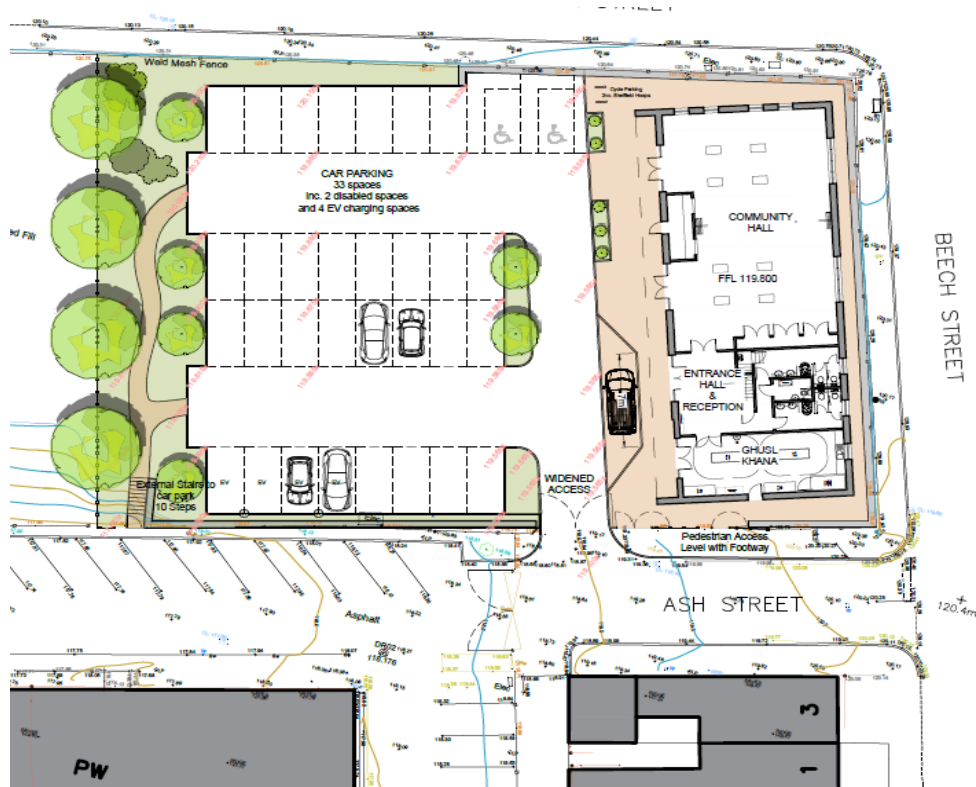


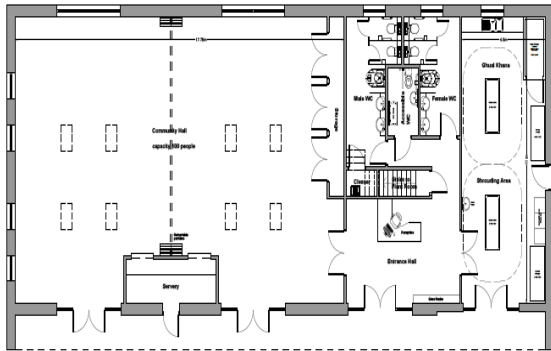
Figure 3: Proposed Site Layout

3.2.2 The submitted Design and Access Statement states 'the intention is to create a facility that is purpose built with a dedicated Ghusul Khana, for washing and shrouding the body, in accordance with Islamic funeral practices. The building is to provide facilities for the immediate family of the deceased for the 3 days prior to burial'. It also sets out that the community hall would support around 100 people and is to be used in association with the funeral facilities and other community uses / events. It is recognised that the proposal building would not be used for the purposes of weddings, funerals (except funeral prayers) or other similar functions.

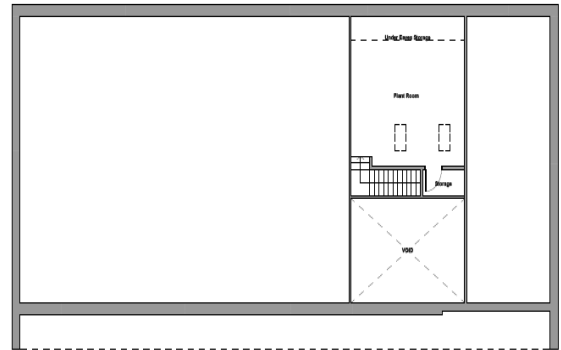
3.2.3 The proposed building is positioned towards the eastern boundary and will be in a rectangular form measuring approximately by 13.2m in width by 29.5m in length resulting in overall external floor space of 389.4sqm. It will be single storey with a small plant room / storage area in the roof space and comprises of a dual pitched roof with a ridge height at 7.45m.

3.2.4 External materials to be used in the construction of the building will be brickwork and composite panels to the walls and a profiled metal composite

panelled roofing. A solar roof array is also proposed to a section on the western slope.



GROUND FLOOR PLAN

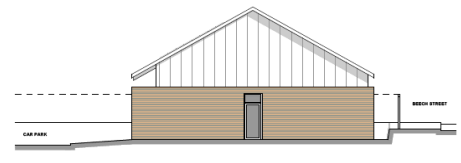


FIRST FLOOR PLAN

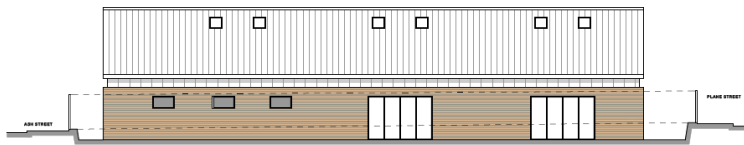
Figure 4: Proposed Floor Plans



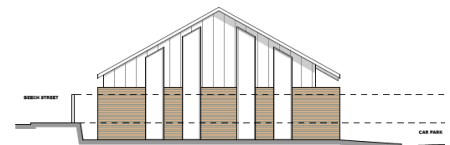
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

Figure 5: Proposed Elevations

3.3.5 The following CGI image of the proposal is taken from the perspective of Plan Street looking in south-eastern direction.



Figure 6: Proposed CGI Image

### 3.3 Case Officer Photos



### 3.4 Development Plan

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

3.4.2 The 'Development Plan' comprises the Blackburn with Darwen Borough Council Local Plan 2021 – 2037 which was adopted on 25<sup>th</sup> January 2024. The following policies are considered most relevant in assessment of the proposed development:

#### 3.4.3 Blackburn with Darwen Borough Local Plan 2021 – 2037

- Policy CP1: A Balanced Growth Strategy
- Policy CP2: The Spatial Approach
- Policy CP5: Climate Change
- Policy CP6: The Natural Environment
- Policy CP8: Securing High Quality and Inclusive Design

- Policy CP9: Transport and Accessibility
- Policy CP12: Infrastructure and Delivery
- Policy DM02: Protecting Living and Working Environments
- Policy DM12: Clean and Green Energy
- Policy DM13: Flooding/SuDS
- Policy DM14: Environmental Opportunity Areas
- Policy DM15: Protection and Enhancement of Wildlife Habitats
- Policy DM16: Green and Blue Infrastructure
- Policy DM17: Trees and Woodland
- Policy DM22: The Borough's Landscapes
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

### **3.5 Other Material Planning Considerations**

3.5.1 National Planning Policy Framework (The Framework) (December 2023)

3.5.2 Residential Design Guide Supplementary Planning Document

3.5.3 BwD Parking Standards

3.5.4 Green Infrastructure & Ecological Networks SPD (2015)

### **4.0 ASSESSMENT**

4.0.1 In assessing this full application there are a wide range of important material considerations that need to be taken into account, which include the following:

- Principle of the Development
- Amenity
- Design / Visual Amenity
- Highways / Accessibility and Transportation
- Flood Risk and Drainage
- Ecology and Biodiversity Net Gains
- Environment
- Contamination and Coal Mining
- Climate Change and Air Quality

4.1 Principle of the Development

4.1.1 As already detailed, the site is not allocated for any specific land use purpose and is located within the Blackburn urban boundary, which is the preferred local for new development, as defined by Policy CP2.

4.1.2 Policy CP1 confirms that the Council will pursue a 'Balanced Growth' strategy over the plan period, with an aspiration to help ensure a better quality of life

for everyone, including both now and for future generations. The proposal is consistent with these policy requirements, in achieving social, environmental and economic net gains through new development within the urban boundary.

4.1.3 At paragraph 97 of the NPPF it states:

*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

4.1.4 This is reiterated at Policy CS12 of the Local Plan which requires development to contribute to the provision of new infrastructure that includes community facilities at point 2, vi. The proposal will deliver a community and funeral centre on the site in an accessible location. The provision of such space where families and friends can pay their respects to those deceased is considered be a welcome addition to the local area, for which it is pointed out that this activity has commonly taken in place in people's homes. The proposal is therefore in accordance with P.97 of the NPPF and Policy CS12.

4.1.5 Finally, The Framework, at section 11, explains that decisions should promote an effective use of land, including meeting the need for uses other than housing, and that they should give substantial weight to the value of using suitable brownfield land within settlements for identified need. As such, the redevelopment of this previously developed site to provide a needed community facility also weighs heavily in favour of the proposal.

4.1.6 The principle of the development is therefore acceptable, in accordance with the presumption in favour of sustainable development detailed in the NPPF, as well as compliance with above-mentioned policies of the Development Plan and The Framework.

## 4.2 Amenity

4.2.1 Policy DM02 of the Local Plan requires successful proposals to make a positive contribution to the area. It also supports development that secures 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 issues including: noise, loss of light, privacy/overlooking and the relationship between buildings.

4.2.2 Firstly, in respect to impacts upon the neighbouring buildings, the northerly side elevation of proposed building would directly face No. 79 Plane Street, at



a distance of circa 13.3m. No. 79 appears to be a shop at ground floor, albeit is currently vacant with ancillary living accommodation. As the proposed building is single storey, despite its overall height of 7.4m, the proposal would be a very minor shortfall when applied against the Council's minimum separation standard of 13.5m between habitable room windows and non-habitable room windows / blank elevations, as set out in the Residential Design Guide SPD. On that basis, the proposed building is not considered to result in an overbearing form of development that would cause unduly harmful impacts in terms of loss of light and outlook to the ground floor habitable room windows at No.77 and 79 Plane Street. A satisfactory relationship is also maintained between the proposed development and nearest property to the south, No.3 Beech Street which also appears to have been previously used for commercial functions but now lies empty.

4.2.3 With regards to privacy impacts, there are several floor-to-ceiling windows which serve the community hall area in the side (northern) elevation facing towards the terraced properties on Plane Street. Given the slight land level drop on-site together with the proposed boundary treatment along the perimeter of Plane Street views towards the ground floor windows from the proposed building and vice versa will largely be screened. Whilst acknowledged, opportunities will exist to upper floor windows no detrimental impacts will arise by virtue of the notable floor level difference which will restrict any direct views into the affected rooms.

4.2.4 A noise report accompanies the application which assess impacts upon residential amenity arising from late evening and night-time use. The report concludes that no adverse impacts will be experienced to the nearby noise sensitive properties. A review of the proposals and supporting noise assessment has been undertaken by BwD Public Protection (PP), in which no objections are offered subject to the control of various aspects during the construction phase and when the development is brought into use. The recommendations that will be secured by appropriately worded conditions to safeguard residential amenity are as follows:

- Construction method statement
- Scheme for pile driving, vibro works, if necessary
- Hours of site work
- Hours of use for premises (8am-10pm, Monday to Sunday)
- Outdoor floodlighting scheme and lux restriction

4.2.5 In addition, PP have also stated that no cooking of food at the premises should occur to prevent any affects upon the living conditions of nearby residential occupiers in terms of odour. A condition is to be attached to therefore restrict such cooking activities.

4.2.6 Subject to compliance with those listed conditions, the proposed development will not be harmful upon amenity, in accordance with the requirements of Policy DM02 supplemented by the Design Guide SPD.

#### 4.3 Design / Visual Amenity

4.3.1 Policy CP8 requires new development to be of a high standard of design, and to respect and reinforce local character. Policy DM27 reflects a similar position relating to design demonstrating an understanding of a number of characteristics, including but not limited to context, identity, built form and nature.

4.3.2 Firstly, owing to the positioning of the site and proposed building it ensures a consistent build line is maintained when read in context with the existing built-up environment on Beech Street and Plane Street. The buildings scale i.e. footprint is considered to be relatively modest in relation to the plot size. The surrounding area comprises of buildings at various heights but most predominately of a two-storey nature. The proposal building, although single storey would not disrupt the character of the streetscape and it is noted part of the adjacent mosque building features a similar building height, albeit at a lower land level.

4.3.3 The design and appearance of the proposed building appropriately includes architectural influences that demonstrate an understanding of the wider context, specifically a gable profile roof and proportionate fenestration. In addition, the predominant use of brickwork to the external walls also ensures the proposed development integrates well in this setting. Composite panels to other sections of the wall will be merely a feature and will help to achieve a modern outlook. The composite metal roofing in this context is also deemed to be acceptable.

4.3.4 A dense soft landscaping area is to be introduced on-site which would provide visual improvements. This is discussed in more detail at section 4.7 of this report. As such, the proposed development would be an enhancement to the sites overall appearance whilst making use of a previously developed and underutilised parcel of land. A further condition is recommended to agree the scope and design of any required boundary treatments.

4.3.5 Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies CP8 and DM27.

#### 4.4 Highways / Accessibility and Transportation

4.4.1 Policy CP9 states new development will be located in the most sustainable locations to minimise the need to travel by car and is easily accessed by non-

car means including public transport, walking and cycling. Likewise, Policy DM29 addresses transport and accessibility issues and advises that development will be supported providing a number of criteria, including safe access, appropriate parking provision and accessibility by public transport are met.

4.4.2 A Transport Statement (TS) has been submitted with the application, which has been reviewed by the Council's Highways Officer.

4.4.3 **Parking:** The proposal is applied against the Council's adopted parking standards for a D1 Use (Public Halls / Places of Worship) which equates to 1 car space per 10sqm of floor area. The parking requirement is limited to the community hall space and is not considered to apply to the other ancillary facilities in the proposed building. This would equate to a need of 20 spaces based on a floor area of circa 196sqm. The proposed parking layout provides 33 spaces (including 2 disabled spaces and 4 designated to Ev charging points). It is acknowledged the parking provision significantly exceeds the needs of the proposed use. However, it has been confirmed within the TS that the adjacent mosque building suffers from a lack of parking. Therefore, the proposal site currently accommodates any users of the mosque to park their vehicles on the land notably at the busiest times i.e. Friday afternoon prayers. On that basis, any overflow from the mosque would benefit in making use of this extra parking provision, and therefore prevents vehicles being displaced on-street. A condition is to be attached to ensure the off-street parking is brought into use prior to first occupation of the proposed building. The parking layout received also accords with the Council's standard bay requirement and conforms to the required 6m manoeuvrability into and out of the bays.

4.4.4 There is an area marked for 'hearse parking' in front of the proposal building which has been revised slightly and is discussed in more detail at paragraph 4.4.6. Furthermore, two Sheffield hoops adjacent to the disabled parking bays to the north of the site will provide opportunities for people to cycle to the site, thus promoting sustainable modes of transport.

4.4.5 **Access:** Vehicular access / egress to and from the site will be from Ash Street via Beech Street. There is an existing access along the southern boundary of the site which is to be used for vehicle entrance and exit to the proposed facility, albeit the proposal seeks to widen it slightly to create a 4.5m opening. The Highways Officer raises no objections to this change. Amendments have been secured to ensure better pedestrian access to the proposed building. The original proposals sought steps to the south-western corner of the site which were deemed to be not accessible or convenient. As a consequence, this would have resulted in certain instances those reaching the site by foot to enter through the vehicular access in-turn posing highway safety concerns. As such, amendments have been secured to ensure better pedestrian access to the proposed building by virtue of a gated opening from the footway.

- 4.4.6 **Servicing:** As highlighted in the Highways response 'refuse collection' for the proposed development would be directly from Ash Street. General servicing requirements associated with the application scheme are anticipated to be modest in scale, being characterised by generally limited frequency, short stay 'service events'. Concerns were identified in relation to the hearse parking in terms of partially blocking the site access to other vehicles. For this reason, the parking bay for the hearse has been re-orientated so that it is parallel to the access road so there is not a risk of blocking the entrance. This also allows the hearse to turn in the hammerhead created by the 6m wide aisle of the car park layout and is therefore deemed to be acceptable.
- 4.4.7 **Traffic Impact:** It is not envisaged that the proposed use will result in any significant detrimental impact to the surrounding highway network, specifically at morning and evening weekday peaks which are of the most concern when traffic movements are intensive.
- 4.4.8 The Highways consultee has requested a financial contribution of £15,000 towards the creation of formalised uncontrolled crossing points with dropped kerbs and tactile paving at the junctions of Maple Street / Plane Tree Street / Beech Street and Whalley Old Road / Beechwood Road (double mini roundabout). The reasons for this were due to the road safety to nearby streets with notable accidents occurring. Currently there is a lack of formal crossing points at junctions in the vicinity of the application site and the proposal is likely to bring about an increase in pedestrian activity.
- 4.4.9 In response to the S106 obligation, the applicant has submitted a letter detailing the implications the contribution would have upon the viability of the scheme. A brief extract taken from this letter is as follows:

*As a community-focused initiative, our financial resources are primarily derived from donations and voluntary contributions. The nature of our project is not commercial; our primary aim is to serve the community. Our current strategy involves phased construction based on available funding, and such a large contribution would critically delay, if not entirely halt, our progress.*

- 4.4.10 The Framework at paragraph 57 refers to the below:

*Planning obligations must only be sought where they meet all of the following tests:*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

4.4.11 The Local Planning Authority, in this case do not agree that there are sufficient grounds to refuse the application upon highways safety impacts due to the lack of a financial contribution. The Local Plan clearly states that the Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high-quality development that will lead to growth. As such, the requirement for the S106 contribution is to be removed on this application.

4.4.12 Despite the above, it has been agreed with the developer a reasonable approach to satisfy the Highways Officer's concerns would be for a scheme to be submitted for off-site highways improvement works. This will include the delivery of formalised pedestrian crossings nearby through a Section 278 agreement, thus complying with point 3, ii. of Policy CP12. Such approach is considered to be less financially burdensome than the initial S106 request of £15k and will be secured by condition.

4.4.13 Accordingly, the proposed parking / manoeuvring, access, servicing arrangements and traffic impact are all considered to be acceptable. Subject to the imposition of the above condition for off-site highways improvement works to enhance pedestrian safety, the proposal would accord with the requirements of Policies CP9 and DM29 of the Local Plan.

#### 4.5 Flood Risk and Drainage

4.5.1 Policy DM13 requires incorporation of appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding.

4.5.2 As identified on the Environment Agency's Flood Mapping, the application site is within flood zone 1, and therefore has a low probability of flooding from rivers. The Council's drainage consultee, as Lead Local Flood Authority offers no objection to the proposal, subject to application of a condition to secure agreement of a sustainable (SUDS) foul and surface water drainage scheme. Such a condition was also recommended by United Utilities.

4.5.3 Subject to the above-mentioned condition, the proposed development will not result increase the risk of flooding, thus complying with Policy DM13.

#### 4.6 Ecology and Biodiversity Net Gains (BNG)

4.6.1 Policy DM15: Protection and Enhancement of Wildlife Habitats, states development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

4.6.2 The site is currently urban scrubland and it has a low baseline ecological value. The main habitat present on the site comprised low quality, species poor, modified grassland which had very low floristic diversity and previously developed land. An ecology appraisal has been submitted with the application that has been reviewed by Greater Manchester Ecology Unit (GMEU), the Council's ecological consultants. A further Ecology report was submitted during the application process which confirmed that the site has no significant value for birds or roosting opportunities for bats. No evidence of any invasive alien species was found on the development land.

4.6.3 Policy CP6 requires new development to conserve and enhance biodiversity, geodiversity and landscape features ensuring that recognised priority species and habitats are protected, enhanced and supported. The policy further seeks to provide a measurable biodiversity net gain (BNG) of no less than 10%, which must be evidenced through the recognised metric and preferably delivered on-site.

4.6.4 It should be noted national BNG requirements for non-major planning applications did not come into force until 2<sup>nd</sup> April 2024, subsequently several months after the received date of the application. Notwithstanding this, the ecological appraisal undertook the small sites metric which considered that the proposal would result in an overall net loss of biodiversity. On that basis, a BNG assessment using the Statutory Metric 4.0 calculation tool has been undertaken, as recommended by GMEU. The submitted BNG report confirms the following:

*'None of the grassland on site is to be retained and the proposed development habitats created on site will comprise developed land; sealed surface small areas of vegetated garden along with the planting of 10 trees; this will deliver approximately 0.52 units and the scheme, as currently planned, will result in the gain of 0.16 habitat units which equates to a 43.8% positive change.'*

4.6.5 As detailed above, the proposal following planting and landscaping will result in a 43% uplift, which significantly exceeds the 10% requirement. A condition is to be imposed to ensure the submission of a Biodiversity Gain Plan (BGP) to provide a range of biodiversity protection and enhancement measures which is founded on the results of the Statutory Biodiversity Metric.

4.6.6 Accordingly, the ecological and biodiversity impact of the development is deemed to be acceptable, thus complying with the requirements of Policies CP6 and DM15, as well as The Framework.

## 4.7 Environment

- 4.7.1 Policy DM17 requires development to include appropriate landscaping / tree planting; incorporation of existing trees and hedgerows (where practicable); compensatory planting (where applicable). Likewise, Policy DM16 requires new development to make a positive contribution to Blackburn with Darwen's Green and Blue infrastructure, through enhancement of landscape features and spaces, amongst others.
- 4.7.2 As detailed above, the site comprises of largely grassland and does not hold any trees or hedgerows. A significant proportion of the site following the development will be replaced with hardstanding by virtue of the buildings footprint, surrounding walkways, vehicular access and parking areas.
- 4.7.3 However, as demonstrated on the proposed site layout an indicative soft landscaped area is proposed to the western boundary which includes the planting of a number of trees. This is considered to improve the aesthetics of the site itself and streetscape whilst providing ecological value. In addition, away from this designated landscaped area, two trees and planters are to be introduced adjacent the front elevation of the building, thus helping to soften the visual impact of the hard surfaced areas. Full landscaping details will be secured via condition.
- 4.7.4 Taking the above into account, the proposal is considered to have a positive environmental impact, in accordance with Policies DM16 and DM17.

## 4.8 Contamination and Coal Mining

- 4.8.1 Further requirements within Policy DM02 aim to ensure development proposals on previously developed land, other potentially contaminated or unstable land, a land remediation scheme can be secured which will ensure that the land is remediated to a standard that provides a safe environment for occupants and users and does not displace contamination. Any development identified as being located in Coal Authority High Risk Areas will be expected to submit a Coal Mining Risk Assessment.
- 4.8.2 As a previously developed site, a Phase 1 Desk Study has been submitted with the application to examine land contamination. The Council's Contaminated Land Officer has reviewed the contents of the report and has advised a Phase 2 site investigation to be completed, in line with the recommendations set out in the aforementioned report. If ground gas or potential contamination is identified the developer will also be required to develop a remediation strategy.
- 4.8.3 The site is recorded within a Coal Authority development high risk area. The Coal Authority (TCA) previously objected to the application due to the

absence of a Coal Mining Risk Assessment. Subsequently, a geological and mining risk assessment has been undertaken and submitted during the application process. Following a review of this submission TCA are satisfied and have withdrawn their objection. Notwithstanding this, TCA have recommended two informative notes to be added to advise of the process should any intrusive activities disturb coal seams, mine workings or mine entries, as well as the other to take caution in shallow coal seam areas when carrying out site burning or heat focused activities.

- 4.8.4 Subject to compliance with those condition and informative notes, the proposed development would be acceptable in relation to contamination and coal mining, in accordance with Policy DM02.

#### 4.9 Climate Change and Air Quality

- 4.9.1 Policies CP5 and DM12 require development to contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions. Developments that can demonstrate they have considered climate mitigation and adaptation in the design of their proposed scheme will be afforded positive weight in the determination of the planning application.

- 4.9.2 The scheme includes the introduction of rooftop solar panels which will provide a renewable energy source to serve the building. Such arrangements are considered to help mitigate climate change and reduce air quality impacts, and therefore weighs in favour of the proposal.

- 4.9.3 A condition was recommended by BwD Public Protection for a scheme to be submitted for the provision of electric vehicle (EV) charging infrastructure. However, application of this condition is not deemed necessary as this is covered separately by Buildings Regulations legislation, and therefore is no need to duplicate the function of other regulatory bodies or controls. It should also be noted the proposed site layout already makes reference to four of the parking bays being designated for EV's.

- 4.9.4 The proposed development would be acceptable in relation to climate change and air quality, in accordance with Policies CP5 and DM12.

#### 4.10 Summary

- 4.10.1 This report assesses the full planning application for the erection of a community and funeral centre comprising a hall, mortuary and ancillary facilities together with associated car parking and landscaping. In considering the proposal, a wide range of material considerations have been taken into account.



4.10.2 In taking account of these material considerations, the assessment demonstrates that planning permission should be granted when balancing the merits of the proposal against any potential harm that may arise from its implementation. This report concludes the proposal meets the policy requirements of the Blackburn with Darwen Local Plan and National Planning Policy Framework. A number of appropriately worded conditions referenced throughout the main body of the report are to be added to secure further details and technical information to make the development satisfactory.

## **5.0 RECOMMENDATION**

### **5.1 Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, 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 permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Drawing No.2329-001, Rev B – Location Plan;  
Drawing No. 2329-015, Rev D – As Proposed Site Plan; and  
Drawing No. 2329-020, Rev A – Proposed Plans and Elevations

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

3. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, representative written and illustrative details, including colours and textures, of all external walling, roofing, window and door materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CP8 and DM27 of the Blackburn with Darwen Borough Local Plan 2021-2037.

4. Prior to commencement of the development hereby approved, a scheme for the disposal of foul and surface water from the site must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) separate systems for the disposal of foul and surface water;

- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate, unless unachievable for technical reasons;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (v) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water, in accordance with the requirements of Policy DM13 of the Blackburn with Darwen Borough Local Plan 2021-2037, and the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

- (i) The findings of a Phase 2 site investigation in line with the Phase 1 recommendations, including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated Conceptual Site Model. No deviation shall be made from this scheme.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, Policy DM02 of the Blackburn with Darwen Local Plan 2021-2037.

6. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy DM02 of the adopted Blackburn with Darwen Borough Local Plan.

7. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

8. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) measures to control emissions from non-road mobile machinery; and
- (h) a scheme for recycling/disposing of waste resulting from construction work

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in the interests of crime prevention and the visual amenities of the locality, in accordance with Policies DM02, DM27, DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037 and the National Planning Policy Framework.

9. No development, site preparation/clearance or demolition shall commence until a scheme of off-site highway improvements has been submitted to,

and approved in writing by, the Local Planning Authority. The improvements to be included are:

- Towards the creation of formalised uncontrolled crossing points with dropped kerbs and tactile paving at the junctions of Maple Street / Plane Tree Street / Beech Street and Whalley Old Road / Beechwood Road.

No part of the development hereby approved shall be brought into use until the approved scheme has been fully implemented and completed in accordance with the approved details.

REASON: In the interest of highways and pedestrian safety, in accordance with Policies CP9 and DM29 of the of the Blackburn with Darwen Borough Local Plan 2021-2037.

10. Should pile driving, vibro compaction or similar foundation works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: To protect the amenity of residents, in accordance with Policy DM02 of the adopted Blackburn with Darwen Borough Local Plan 2021-2037.

11. Prior to first occupation of the development hereby approved, the car parking provision as identified on Proposed Site Plan, Drawing No. 2329-015, Rev D received on 7th February 2024 shall be implemented and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users, in accordance with Policy DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037.

12. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037.

13. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of

boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP8 and DM27 of the Blackburn with Darwen Local Plan 2021-2037.

14. Prior to any above ground works hereby approved, and notwithstanding the submitted details, a Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the Local Planning Authority. The BGP shall be founded on the outcome of an assessment of the site in accordance with the Statutory Biodiversity Metric, which shall be submitted at the same time. The scheme shall provide a suitable range of biodiversity protection and enhancement measures across the site, in order to achieve a minimum biodiversity net gain of 10%.

The development shall be implemented in strict accordance with the approved detail.

REASON: To ensure the protection of species and habitat, in accordance with the requirements of Policies CP6 and DM15 of the adopted Blackburn with Darwen Borough Local Plan 2021-2037.

15. Prior to the commencement of development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and maintenance aftercare, and shall be implemented during the first available planting season after the commencement of development. It shall also include details regarding tree management and protection for those which are to be retained on the site. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: In the interests of ecology, biodiversity and visual amenity, in accordance with the requirements of Policies CP6, CP8, DM15, DM17 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021-2037.

16. There shall be no cooking of food at the community and funeral centre.

REASON: To ensure cooking odours do not cause loss of amenity at residential premises, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

17. There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday	08:00 – 18:00 hours
Saturday	09:00 - 13:00 hours

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

18. The use hereby approved shall be restricted to the following times;

Monday to Sunday - 08:00 to 22:00 hrs

REASON: To ensure appropriate hours of use to minimise noise disturbance at residential premises and the area generally, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

19. Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

REASON: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents, in accordance with Policies DM02 and DM27 of the Blackburn with Darwen Borough Local Plan 2021-2037.

20. Outdoor floodlighting shall not exceed 10 lux with luminaires obscured at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of Obtrusive Light'.

REASON: To minimise potential loss of amenity at residential premises caused by intrusive light pollution, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021-2037.

21. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification), no operations outside of Use Class F.2(b) shall take

place from the site whatsoever following the implementation of this permission.

REASON: In order to prevent alternate community uses being operated from the site, in the interests of residential amenity and highway safety, in accordance with the requirements of Policies DM02 and DM29 of the Blackburn with Darwen Borough Local Plan 2021-2037.

## **6.0 PLANNING HISTORY**

6.1 The following applications relate directly to the application site;

- 10/93/0621 – Proposed Islamic Study Centre. Refused, 24/09/1993.
- 10/93/1871 – Application to develop land for a proposed Islamic Study Centre. Approved, 21/02/1994.
- 10/19/0847 – Installation of fencing with gate to both sides of the mosque area along Ash Street. Approved, 17/01/2020.

## **7.0 CONSULTATIONS**

### **7.1 Public Consultation**

Neighbourhood consultation letters were sent out on 17<sup>th</sup> October 2023, to 53 properties surrounding the application site. In addition, two site notices were displayed on 24<sup>th</sup> October 2023.

In response to the Local Planning Authority public consultation, no comments have been received.

### **7.2 Statutory Consultation**

### **7.3 BwD Public Protection**

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

#### **CONTAMINATED LAND**

Contaminated land report(s) has been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

#### **Condition – Hours of Use Restriction**

The approved use shall be restricted to the following times:

Monday to Sunday: 08:00 – 22:00 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 – Floodlighting**

Outdoor floodlighting shall not exceed 10 lux with luminaires obscured at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of ObtrusiveLight'.

**Reason:**

To minimise potential loss of amenity at residential premises caused by intrusive light pollution.

**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 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:** A suitable scheme will ensure that there will be access to charging facilities on a daily basis. The scheme will identify the charging point specification, the location of dedicated parking spaces where charging will take place, and the



basis on which vehicles will be allowed access to the chargers (e.g. Who can use the charging points, payment arrangements, who will maintain the equipment). Mode 3 chargers with tethered type 2 connectors are recommended, and charging points are available that can charge two vehicles simultaneously.

#### **Condition – Cooking at the Premises**

There shall be no cooking of food at the community and funeral centre.

Reason: To ensure cooking odours do not cause loss of amenity at residential premises.

#### **Construction Phase Control Conditions**

##### **Condition – Hours of Site Works**

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday     08:00 – 18:00 hours

Saturday                09:00 - 13:00 hours

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

##### **Reason**

To ensure appropriate hours of site work to minimise noise during the construction phase.

#### **Noise & Vibration Control**

##### **Condition**

Should pile driving &/or vibro compaction be required on site, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

##### **Reason**

To minimise noise/vibration disturbance at adjacent residential premises.

#### **Floodlighting Control (Construction Phase)**

##### **Condition**

Should floodlighting be required on site a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

**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.

**Informative - Construction/Demolition Noise**

All activities associated with any construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

**Other Informative(s):**

**Informative: Sound Insulation**

The applicant should ensure that the premises has adequate sound insulation to minimise the transmission of sound to adjacent dwellings. The developer shall have due regard to BS 8233: 'Sound Insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the building(s).

7.4 **BwD Contaminated Land**

I refer to the report entitled 'Desk Study & Walkover Survey for Majid-Al-Momineen, Ash Street, Blackburn Lancashire BB1 6LX' Report ref: 7637 prepared by Sub-Surface North West Ltd dated December 2022.

It is the understanding of this Department that a full application has been submitted in relation to the above site, but has not yet been determined. As such, there is no contaminated land condition currently attached to the application. Therefore, the following comments are aimed at providing an overview of the type of information which would be required by this Department in relation to contamination, should the contaminated land condition be attached. It does not pre-empt any planning decision, and must not be interpreted as such. We recommend the standard contaminated land condition used by this authority is applied to the site.

**Information specific to this site, required in order to expedite the discharge of the recommended condition, is requested in the form of bulleted points.** All other comments provided are general, and are aimed at informing the format and/or content of any future reports submitted to this Section, and/or informing the requests for further information. Comments have been divided into separate headings for ease of reference.

#### Desk Study

A Phase 1 Desk Top Study has been completed for the site and submitted. The findings record terraced housing were present at the site historically and demolished sometime prior to 1995. The site is recorded within a Coal Authority development high risk area.

The preliminary CSM has identified that there is a low to moderate risk to human health and a low to moderate risk to controlled waters. The risk from ground gas requires further consideration and a Geological & Mining Risk Assessment is recommended.

A Phase 2 intrusive investigation was recommended to confirm the extent of any contamination at the Assessment Site and to determine the presence of any unrecorded mine workings. The investigation should characterise the gas and groundwater regime.

#### Preliminary Conceptual Site Model (CSM)

Based on the initial risk assessment summarised in the Phase 1 and preliminary CSM, an intrusive site investigation was recommended.

- Please provide a Phase 2 site investigation report in line with the Phase 1 recommendations.

If ground gas or potential contamination is identified a Remediation Strategy report will also be required to discharge the recommended condition.

I would take this opportunity to reiterate that the responsibility for the safe development of the site rests with the developer. Actions or omissions on their part may lead to liability being incurred under Part IIA of the Environmental Protection Act 1990. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

I trust this clarifies this Departments position. Should you require any further information, I can be contacted at the above number, or alternatively email [Stuart.Proudlock@blackburn.gov.uk](mailto:Stuart.Proudlock@blackburn.gov.uk).

### 7.5 BwD Drainage – Lead Local Flood Authority

We have no objections to the proposals but require the following condition

Condition

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate, unless unachievable for technical reasons;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (v) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

## 7.6 BwD Highways

PROW – no implications

The details received have been reviewed.

The proposal received is for the Erection of new community and funeral centre comprising community hall, mortuary, and ancillary facilities (Use Class F2, (b)).

### Parking

In accordance with our existing adopted parking standards, the new facility would be measured against a D1 use, which sets out a requirement for 1 space per 10sqm of floorarea. The new building will have 196sqm of new floor area limited to the community hall, this equates to an allowance of 20 spaces. The proposal received provides 33 spaces (inclusive of 2 disabled spaces and 4 EV charging points. The Transport statement sets out further reasoning and balance on why this number of spaces together with what the applicant has within this control is satisfactory (please see TS comments below).

The layout received accords with the council's standard bay requirement and conform to the required 6m manoeuvrability into and out of the bays.

There is an area signposted for parking of a hearse to support the mortuary use. This is situated very close to the entrance gates, and in our opinion would struggle to get in and out

an easy and less onerous manoeuvre. I would request a swept path is provided showing the movement of this vehicle.

No details or provision for the parking of cycles /ptw is offered, please request further information to support this. This should be provided near the entrance covered and secure. (There is some mention within the TS, however this detail should be provided on the proposed site plan).

### **Access**

Vehicular access to the site is to be taken from the unadopted section of highway (Known as Ash Street). There is an existing access that is to be used to serve the new facility and its associated car parking. The access is to be widened to 4.5m wide, this is acceptable.

We acknowledge that there is a pedestrian access via steps into the car park at the southwest corner of the site, however this is not accessible or convenient, as the access has steps, therefore use for all and is leading pedestrian to travel through a car park to get to the entrance of the building.

We would therefore request that this is reconsidered and safe route from the highway immediately adjacent to the building is considered.

### **Transport Statement**

**Access:** The application site represents a parcel of vacant previously developed land to the immediate north of Ash Street. Vehicular access/egress to & from the site is taken from the route of Ash Street via Beech Street. Ash Street is a cul-de-sac with fencing and bollards in place across the carriageway approximately 30m to the west of the Ash Street & Yew Street junction prohibiting vehicular through movement. At the location of the site access, Ash Street has an approximate carriageway width of 6.5m with 2m wide footways on both sides of road. Single yellow lines are present at its junction with Beech Street and continue along Ash Street for c.7m, restricting on-street parking Monday to Friday between the hours of 7am and 7pm.

Pedestrian access to the proposed community & funeral centre would be via a pedestrian gate located in the south-western corner of the application site. There would be 10 steps towards the elevated car park and therefore wheelchair access would be via the vehicular site access immediately west of the proposed new building. (I refer back to my earlier comment. (access needs to be improved)

**Site Layout / Servicing:** Refuse collection for the proposed development would be directly from Ash Street. General servicing requirements associated with the application scheme are anticipated to be modest in scale, being characterised by generally limited frequency, short stay service events.

The parking space for the hearse vehicle is close to the proposed site access. **Such vehicles have the potential to be up to 6.5m long and as such a parked hearse in this location has the potential to block the site access (at least partially) to other vehicles. Please can details of how this is to be managed be provided or alterations to the access arrangements or site layout be considered?**

**Parking:** As mentioned in paragraph 4.1.2 and shown in the table, the proposed development would accommodate a total of 33 car spaces, 13 car spaces above the

benchmark requirement, to cater for the c.20 car spaces required by the Mosque on their busiest days as discussed in paragraph 4.2.4 of the TS.

The existing Mosque facility currently experience parking demand which exceeds capacity by c.20 cars. These vehicles currently park on the vacant land to the immediate north of the Mosque, although this tends to be only during Friday prayers. The proposed car park to the community & funeral centre would provide 33 car parking spaces, and so the car park would comfortably accommodate the c.20 car spaces associated with the Mosque's current parking requirements during Friday prayers and the anticipated 20 parking space requirement of the proposed community & funeral centre (although funeral prayers at the proposed centre are not anticipated to materially coincide with Friday prayers). As such, the parking associated with the proposed development is considered acceptable and would help to prevent an overflow of parking demand onto the public highway surrounding the application site.

Cycle parking at the site is proposed to be provided north of the proposed new building, next to the accessible car spaces. One Sheffield cycle hoop is proposed which would provide enough parking for 2 bicycles. Such provision would provide an opportunity for visitors to travel to the site by more sustainable transport modes. **Please can the proposed location for the cycle parking be shown on the site layout plan?**

**Site Accessibility:** The site is in a location with reasonable levels of accessibility with a dense network of residential streets conducive to walking or cycling and with reasonable access to public transport within a short walk of the site.

**Road Safety:** The Transport Statement presents a review of collision data along Beech Street including its junctions with Beechwood Road and Maple Street. There has been around one collision per annum within the study area presented. From review of crashmap it is evident that there have been 3 serious injury collisions on Maple Street close to the site involving pedestrians and one slight. There is a lack of formal crossing points at junctions nearby which would benefit from improvement. Given the potential for the proposed development to increase pedestrian activity in the local area, particularly in relation to events of various types targeted at the local community the local highway network would benefit from the introduction of formalised crossing points in appropriate locations through the provision of dropped kerbs, tactile paving, pedestrian refuges where appropriate and supporting signage and road markings as required.

**Traffic Impact:** The Transport Statement states that it is considered unlikely that the proposed community & funeral centre would generate any notable levels of vehicle trips during Friday prayers, the busiest period at Masjid-al-Momineen. There is no evidence provided to substantiate this statement although experience of similar schemes suggests that the proposed development is unlikely to have a significant detrimental impact in terms of the efficient operation of the local highway network, particularly during the AM and PM weekday peaks which are of most concern. The provision of additional parking to supplement parking for the existing mosque is welcome and would help to meet the parking demands for that facility. This is unlikely to be conducive to the uptake of sustainable transport modes for trips relating to the development proposals or the existing mosque but would help to address issues that are likely to arise should the existing overflow parking become unavailable.

**Mitigation:** A contribution of £15,000 is requested toward the creation of formalised uncontrolled crossing points with dropped kerbs and tactile paving at the junctions of Maple Street / Plane Tree Street / Beech Street and Whalley Old Road / Beechwood Road (double mini roundabout).

### **Other**

Construction Method Statement is required, please condition.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicant's expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway.
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authority to undertake a condition survey.

To conclude, subject to the above being satisfactorily addressed we would offer no objections to the application.

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007

Please attach standards conditions/Informatives: Highways 1, 2, 3, 4, 8, 10, 11, 12, 15, 16 and 17.

## 7.8 **Lancashire Fire and Rescue**

The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

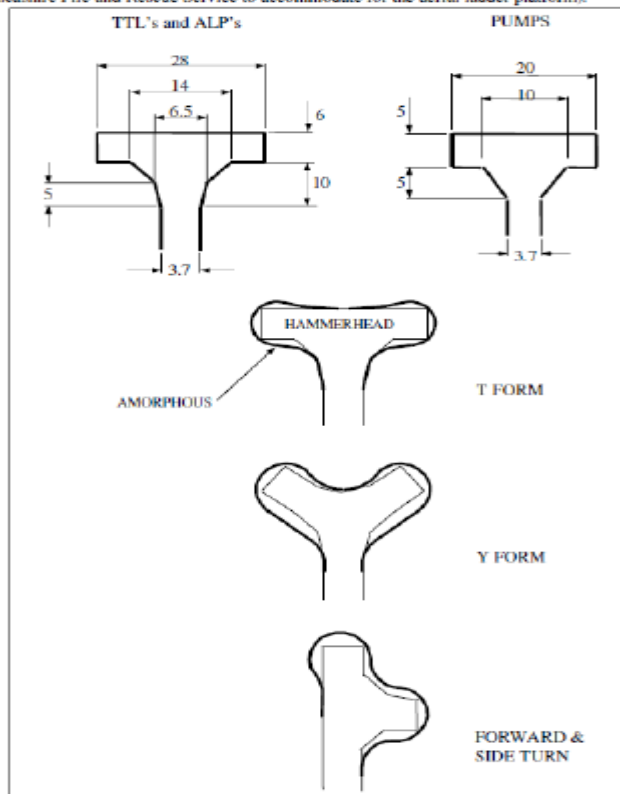
The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

### **ACCESS - DOCUMENT B, PART B5**

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

**TURNING FACILITIES FOR FIRE SERVICE VEHICLES**

The following diagrams show typical turning heads in accordance with table 21, note 1 and paragraph 17.11 of Building Regulations approved document B, part B5 (as amended by Lancashire Fire and Rescue Service to accommodate for the aerial ladder platform).



**EXTRACT FROM BUILDING REGULATIONS APPROVED DOCUMENT B**  
(as amended by Lancashire Fire and Rescue Service to accommodate for the aerial ladder platform)

Appliance Type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.7	16.8	19.2	3.7	12.5
High Reach	3.7	3.7	29.0	29.0	4.0	26

Notes:

1. Fire appliances are not standardised. Some fire services have appliances of greater weight or different size. In consultation with the Fire Authority, Building Control Authorities and Approved Inspectors may adopt other dimensions in such circumstances.
2. Because the weight of high reach appliances is distributed over a number of axles, it is considered that their infrequent use of a carriageway or route designed to 12.5 tonnes should not cause damage. It would therefore be reasonable to design the roadbase to 12.5 tonnes, although structures such as bridges should have the full 26 tonnes capacity.

**B5 WATER PROVISION**

It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance, details of which can be found: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>



**Guidelines on flow requirements for firefighting (taken from the National Guidance document on the provision of water for firefighting):**

Type of building	Minimum main size (mm)	Minimum flow (litres per min)	Ideal flow (litres per min)	Maximum distances between hydrants (m)
Semi-detached house	90	480	1200	150
Detached house	90	480	1200	150
Multi occupied house	100	1200	2100	150
Transportation	100	1500	2100	90
Industry – Up to 2.5 Acres	150	2100	4500	70
Industry - 2.5 Acres to 5 Acres	150	3000	4500	70
Industry – Over 5 Acres	150	4500	4500	70
Shops/Offices/Recreation/Tourism	150	1200	4500	70
Village Halls	100	900	1200	100
Primary Schools	100	1200	2100	100
Secondary School/College	150	2100	4500	70
Hospitals	150	2100	4500	70

The Local Authority Building Control / Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

## 7.9 Ecology – GMEU

Thank you for your consultation on the above application at Ash St, Blackburn.

As you are aware the information submitted with the application includes an Ecological Appraisal. This Appraisal was undertaken in December, which is outside the survey window for such Appraisals. However, given the habitats found on site, this should not be a significant constraint albeit statements such as “no birds were seen on site during the course of the survey” are potentially misleading.

The Appraisal includes screenshots taken from a Small Sites Metric but the actual metric does not appear to have been submitted and therefore the calculations cannot be verified. The Appraisals states that the proposals will result in an overall net loss of biodiversity and that “the impacts will need to be offset in order to achieve 10% biodiversity net gain”. Technically if offsetting is required then the Small Sites Metric cannot be used; rather the full metric should be submitted. As the scheme includes no compensation for the loss of biodiversity, it is contrary to the National Planning Policy Framework and Blackburn’s emerging Local Plan. Further information is therefore required to demonstrated how a measurable net gain will be achieved.

## 7.10 United Utilities

United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal.

The letter and Appendix should be read in their entirety to support the determination, the design, and should the scheme be approved, the subsequent delivery of the proposal.

## **DRAINAGE**

We request the following drainage condition is attached to any subsequent approval:

### **REQUESTED CONDITION**

**Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:**

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;**
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);**
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;**
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and**
- (v) Foul and surface water shall drain on separate systems.**

**The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.**

**Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.**

**Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.**

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

To discuss their drainage proposals the applicant should contact our **Developer Services** team by email at [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk). Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

## **Management and maintenance of Sustainable Drainage Systems (SuDS)**

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

## **UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE**

**It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.**

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

## 7.11 The Coal Authority

### Original comments – 6<sup>th</sup> November 2023

Thank you for your consultation letter of 17 October 2023 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

### The Coal Authority Response: **Substantive Concern**

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the Coal Authority's information indicates that a coal seam is conjectured to outcrop off-site to the north west, dipping in a south easterly direction beneath the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The applicant has submitted a Desk Study with Walkover Survey (December 2022, prepared by Sub Surface North West Limited) in support of their planning application; however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the proposed development. We therefore **object** to the proposal.

The submitted report acknowledges the presence of the outcropping coal seam close to the site, but provides no assessment of the risk that coal mining legacy poses to the proposed scheme of development. Indeed, it recommends at Section 2.3.1 that a '*full Geological and Mining Risk Assessment should be carried out to assess the risk to assess the risk to ground stability due to mining.*' Unfortunately, it does not appear that a Geological and Mining Risk Assessment has been submitted in support of the application.

The applicant should be advised of our objection and requested to submit a Coal Mining Risk Assessment or the recommended Geological and Mining Risk

Assessment in support of their application. This should be prepared by a competent person and should demonstrate to the LPA that the site is, or can be made, safe, stable and suitable for the proposed scheme of development, as per the requirements of paragraphs 183 and 184 of the NPPF.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

### **Additional comments – 15<sup>th</sup> December 2023**

Thank you for your consultation letter of 12 December 2023 seeking the further views of the Coal Authority on the above planning application.

#### **The Coal Authority Response: Material Consideration**

As you are aware, the application site falls partly within the defined Development High Risk Area. The Coal Authority's information indicates that a coal seam is conjectured to outcrop off-site to the north west, dipping in a south easterly direction beneath the site, which may have been worked in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

You will recall that the Coal Authority's Planning & Development Team objected to the proposal in our initial consultation response letter of 6 November 2023 due to the lack of a Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining legacy. We are therefore pleased to note that the applicant has now submitted a Geological and Mining Risk Assessment (November 2023, prepared by Sub Surface North West Limited) in support of their application.

Based on a review of relevant sources of coal mining and geological information, the report acknowledges that the Pasture Coal seam, which is shown on geological maps to northwest of the site, will underlie the site at very shallow depth below bedrock.

However, the report indicates that this seam is recorded to have a thickness of 0.1m and advises '*it is likely it would not have been worked to any significant extent and any workings would most likely have been from bell pits.*' It goes on to conclude that '*Associated subsidence risks to the development are therefore considered to be minimal and hence our opinion no further investigation is necessary.*'

The Coal Authority's Planning & Development Team notes the professional opinions expressed in the report. Whilst no specific investigations into coal mining legacy are proposed, we welcome the recommendation that vigilance should be maintained during ground works for any unrecorded mine entries / bell pits present within the site. Should any such feature be encountered during development, appropriate treatment will be required in accordance with details permitted under a Coal Authority Permit.

## The Coal Authority Recommendation to the LPA

The Coal Authority considers that the Geological and Mining Risk Assessment and the professional opinions contained therein are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations application.

Should planning permission be granted for this proposal we request that the following Informative Notes are included on the decision notice:

### **1 - Ground Investigations and groundworks**

*Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).*

### **2 - Shallow coal seams**

*In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.*

**8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer**

**9.0 DATE PREPARED: 5<sup>th</sup> April 2024**