



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT
1990

THE APPLICATION

Applicant:
Mr Manir Ahmed
57 Richmond Road
Darwen
BB3 3DE

Agent:
Younus Khan
6 Longton Street
Blackburn
BB1 1UF

Full Planning Application

FOR:

Change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation. Erection of single storey rear extension, installation of velux windows and replacement existing upvc with timber sash windows (front elevation).

AT:

45 Railway Road, Darwen, BB3 2RJ

APPLICATION REFERENCE NUMBER: **10/16/1124**

The application was received: **14 October 2016**

THE DECISION

Date of Decision: **16 February 2017**

In pursuance of their powers under the
above Act, the Council

PERMITS

The above development in accordance with
the details given on the application form and
submitted plans. Permission is given 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: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development hereby approved, samples of all external walling, roofing materials including details of conservation style roof lights, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policies 11 and 39 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).
- 3 Prior to occupation, samples of timber windows and doors, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be installed prior to occupation and implemented in accordance with the approved details.
REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policies 11 and 39 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).
- 4 The third floor use of the building shall be restricted to use for ancillary storage only, as detailed on drawing number 3084 02 Rev E received on 2nd February 2017. Social functions including wedding receptions are not permitted.
REASON: To safeguard the amenities of the adjoining premises and highway safety in accordance with Policies 8 and 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).
- 5 Prior to commencement of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall provide details of the objectives, targets and measures to promote and facilitate public transport use, walking, cycling and practices/facilities to reduce the need to travel and to reduce car use. It shall provide details of its management, monitoring and review mechanisms, travel plan coordination and the provision of travel information and marketing. The initiatives contained within the approved travel plan shall be implemented thereafter together with any additional measures that, after review, are found to be necessary to deliver the travel plan objectives.
REASON: To promote alternatives means of transport, in accordance with Policy 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 6 There shall be no externally audible "Calls to Prayer" from the building or within the application site at any time.
REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).
- 7 During the construction period, all on site work shall be limited to between the hours of:
08:00 - 18:00 Monday to Friday
09:00 - 13:00 Saturday
and no work shall be carried out on Sundays or Bank Holidays.
REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).
- 8 Prior to commencement of the development hereby approved, a soundproofing scheme of the building shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail how any noise escape from the building, including Prayer Hall and Classrooms shall be mitigated. The approved scheme shall be implemented prior to first use of the building and retained thereafter.
REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).
- 9 The use hereby permitted shall only take place between the hours of 06:00 and 23:30 Monday to Saturday; between 10:00 and 23:30 on Sundays and Bank Holidays.
REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).
- 10 The premises shall be used for the Islamic Education Centre and Mosque with ancillary living accommodation and for no other purpose, including any other purpose in Class D1 of the Town and Country Planning Use Classes (Amendment) Order 2016.
REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).
- 11 This consent relates to the submitted details marked received on 20th October 2016, as amended by plans received on 15th December 2016 numbered 3084 01 Rev C and amended plan received 2nd February 2017 numbered 3084 02 Rev E; and any subsequent amendments approved in writing by the Local Planning Authority.
REASON: To clarify the terms of this consent.

REASONS FOR GRANTING PLANNING PERMISSION:

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| 1 | Section 38 (6) of the 2004 Act | 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. The proposal is of appropriate design and appearance and would not be detrimental to neighbouring dwellings or compromise highway safety in accordance with the NPPF, Core Strategy Policies CS1, CS11, CS16, CS17 and Policies 1, 2, 7, 8, 10, 11, 26, 31 and 39 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015) |
| 2 | Requirement to say how we have worked with the applicant in a positive and proactive way | The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring all the issues have been resolved. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance the NPPF. |

Your attention is drawn to the NOTES attached and to the following:

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| 1. | 1 A process has been introduced by The Department for Communities and Local Government for dealing with material and non-material amendments to planning permissions. For more information please contact the case officer or consult the Planning Portal website www.planningportal.gov.uk |
| | 2 During the development, should any bats be found, work shall stop Wildlife & Countryside Act 1981 (as amended). |
| | 3 This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other Enactment, Byelaw, Order or Regulation. Before commencing development you are advised to check the requirements of the Building Regulations. Section 31 of the County of Lancashire Act 1984 (access for the Fire Brigade) also applies. For information please contact the Building Surveyors, telephone 01254 505022. Additionally, if you wish to carry out building work which involves work along a party boundary the Party Wall Etc Act 1996 comes into force. You must find out whether your works falls within the Act by contacting your Solicitor, and if it does, you must notify all affected neighbours. |
| | 4 The Construction (Design & Management) Regulations 2015 The development hereby approved may be subject to the Construction (Design and Management) Regulations 2015 which govern health and safety through all stages of a construction |

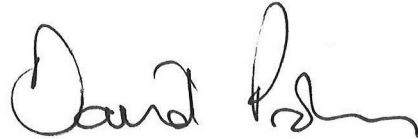
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| | <p>project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 0845 345 0055.</p> |
| 5 | <p>This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.</p> <p>If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:</p> <p>(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.</p> <p>(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.</p> |
| 6 | <p>There are fees associated with the discharge of planning conditions. These fees apply to all requests for (1) the discharge of one or more conditions on the same permission, or (2) the written confirmation of compliance with a condition or conditions. Any number of conditions may be included on a single request. Fees are: £28 for householder developments, and £97 for all other developments. There is no fee relating to the discharge of conditions imposed on Listed Building applications. Please send your fee with your request, as requests that are received without the appropriate fee will be returned unanswered. To request a discharge of condition please use the forms on www.blackburn.gov.uk or apply to the Council in writing. Please ensure that your letter or form clearly identifies the relevant permission and the condition(s) concerned. Local Planning Authorities have to deal with all requests within 8 weeks. Fees will be refunded if a response is not sent within 12 weeks from the date of receipt.</p> |

PLEASE NOTE:

Town and Country Planning (Written Representations) Regulations 1987

In accordance with the provisions of these Regulations, in the event of an appeal, the Local Authority's copy of the completed appeal form should be sent to :

The Director of Planning & Prosperity, Blackburn with Darwen Borough Council,
Town Hall, Blackburn. BB1 7DY

A handwritten signature in black ink, appearing to read 'David Proctor', written in a cursive style.

David Proctor
Head of Planning & Infrastructure
Blackburn with Darwen Borough Council.