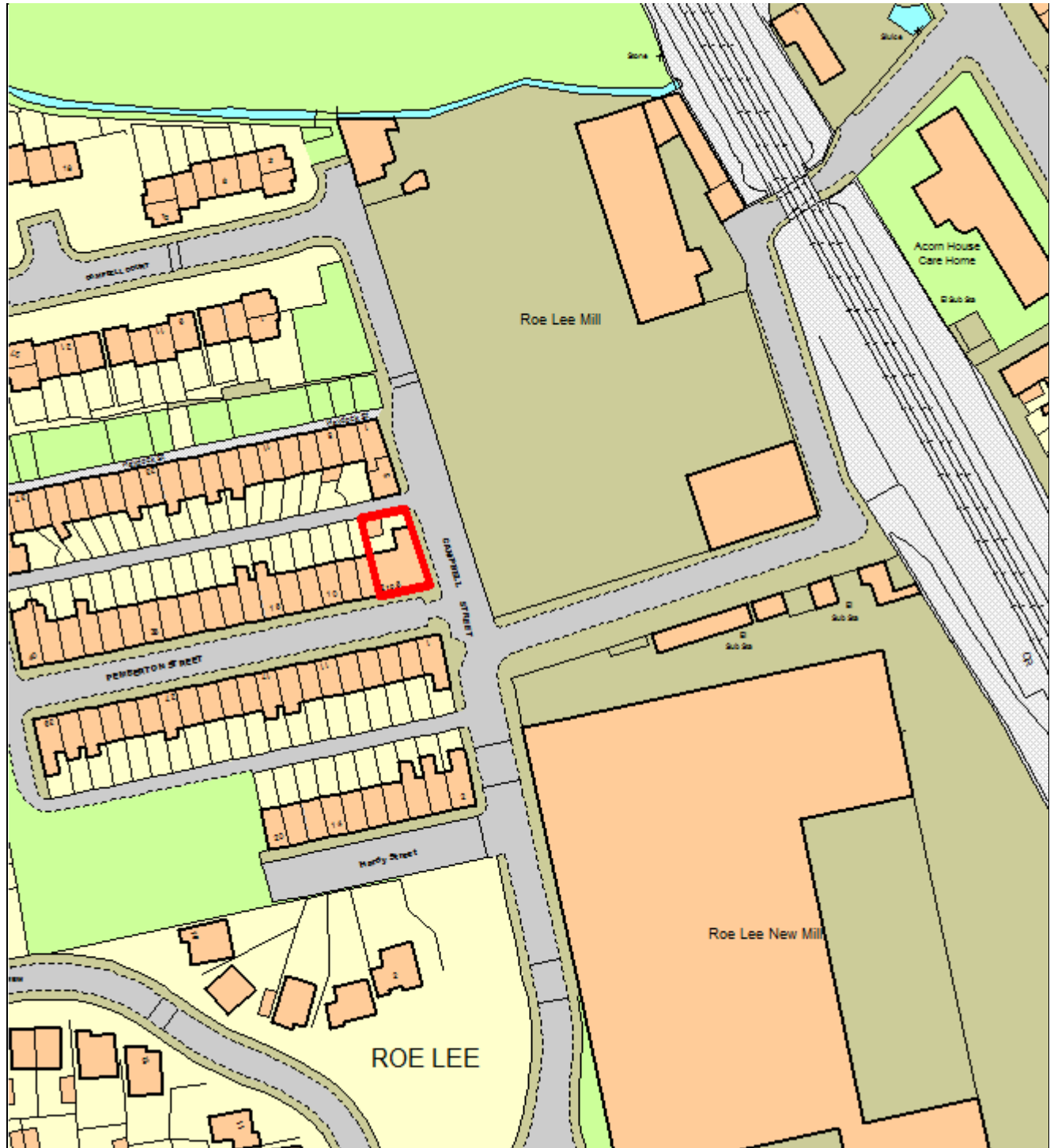


**Proposed development: Full Planning Application for Change of use from a single residential dwelling to 2 single residential dwellings and retention of opening to the front door**

**Site address: 2 - 4 Pemberton Street, Blackburn, BB1 9AB**

**Applicant: Mr Kasim Ali**

**Ward: Roe Lee**



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 Approve subject to the conditions below:

- Permitted Development rights removal for extensions and alterations.
- Permitted Development rights removal for conversion to a HMO.

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

2.1 The key issues to be addressed are as follows:

- Location of the development.
- Impact upon design
- Impact upon residential amenity.
- Parking provision and impact of the development on the highway.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a former public house which has been converted to a single private dwelling (approved under application reference: 10/13/0414). In November 2016, the applicant applied for 'Change of use from single dwelling (nos 2-6) to two dwelling (nos 2/4 & 6). This application was approved by the planning and highways committee on 17<sup>th</sup> June 2016.

3.1.2 The property is situated on the corner of Pemberton Street and Campbell Street in Roe Lee. The converted dwelling is a two storey building with a double frontage, constructed from red brick which has been painted cream to the front and side elevations.

### **3.2 Proposed Development**

3.2.1 The proposal is for a change of use from a single residential dwelling (nos. 2-4) to two single dwellings, and retention of opening of the front door. The current scheme would result in the sub-division of the former public house into a total of 3 no. separate dwellings.

### **3.3 Development Plan**

3.3.1 Blackburn with Darwen Borough Core Strategy:  
Policy CS8: "Affordable Housing"  
Policy CS9: "Existing Housing Stock"

3.3.2 Blackburn with Darwen Borough Local Plan Part 2:  
Policy 8: "Development and People"  
Policy 10: "Accessibility and Transport"  
Policy 11: "Design"  
Policy 18: "Housing Mix"

3.3.3 Blackburn with Darwen Residential Design Guide (Revised September 2012). This document is used for guidance only.

### **3.4 Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (NPPF) Section 6: “Delivering a wide choice of high quality homes”.

### **3.5 Assessment**

3.5.1 Principle: The existing property is a family dwelling located within a residential area. The proposed sub-division of the property is associated with an existing residential unit. As such the principle of conversion to two dwellings is considered to be acceptable, subject to other relevant policies of the Development Plan.

3.5.2 Design: The proposal seeks consent for the retention of an opening to No. 4. The alterations include the installation of a upvc door, the opening of which was previously bricked up. The resultant appearance is considered to reflect the character of the street scene in accordance with the Local Plan Part 2 Policy 11.

3.5.3 Residential Amenity: Whilst no minimum requirements are identified within the local plan policies, Local Plan Part 2 Policy 8 advises that a satisfactory level of amenity space for occupants of the development itself would be retained.

3.5.4 The application site relates to the previously approved scheme for the subdivision of a former public house into 2 separate dwellings. This development has now been implemented resulting in Nos. 2-4 being occupied as a single dwelling and No. 6 as a separate residential unit. The current scheme relates to a further subdivision of Nos. 2-4 to two separate individual residential units. This application unit is a 4 bedroom dwelling, served by a large yard area to the rear of the dwelling measuring 50.1 sq m. The proposal seeks to sub-divide the existing yard with a 2m boundary wall to provide adequate private amenity space for each dwelling. The resulting yard areas would be 25.sq m (to serve No.2) and 22.4sq m (No.4). As such it is considered the proposal would retain sufficient amenity space for the general use of outdoor space.

3.5.6 Notwithstanding the above, given the limited size of outdoor amenity areas, Members are encouraged to impose a condition removing permitted development rights should they be minded to support the proposal.

3.5.5 Highways: Local Plan Part 2 Policy 10 requires that the road safety and the efficient and convenient movement of all highway users is not prejudiced by development. The parking requirement for the proposal

would increase by 1 space, however there is no current provision within the curtilage for supported parking. Therefore, due consideration is given to the fact that the sub-division is contained within the existing residential unit which together with the wider area and existing terrace block is reliant upon on-street parking. As such, the proposal is considered to satisfy the requirements of Local Plan Part 2 Policy 10.

#### **4.0 RECOMMENDATION**

4.1 **APPROVE** subject to the conditions set out at 1.1 above.

#### **5.0 PLANNING HISTORY**

5.1 Planning history pertinent to this planning application are:

5.2 10/13/0414 - Change of use of former Public House Class (A4) with ancillary residential to a single residential dwelling Class (C3). Approved by the planning and highways committee on 23<sup>rd</sup> September 2016.

5.3 2015/ENQ/06631(Enforcement) – Possible use of HMO. The property was visited by the Enforcement Officer on 3<sup>rd</sup> May 2016. There was no indication of the building being used as a HMO.

5.4 10/15/1425 - Change of use from single dwelling (nos 2-6) to two dwelling (nos 2/4 & 6). Approved by the planning and highways committee on 17<sup>th</sup> June 2016.

#### **6.0 CONSULTATIONS**

6.1 8 neighbouring properties were consulted on the application. Concerns have been raised by local ward councillors that the property is being used as HMO (Housing of Multiple Occupation). A site visit to inspect the property internally was undertaken by the Planning and Enforcement Officer on Friday 20<sup>th</sup> January 2017. The visit confirmed there was no indication of a HMO use; rather the properties appeared to be used as family housing.

6.2 The proposal complies with the Councils Space Standards relating to new properties, further providing adequate amenity space. A condition would be imposed to remove permitted development for an extension to the dwelling and allowance of conversion to a C4 use (Houses in Multiple Occupation).

6.2 Highways Officer: The changes are contained within the properties – No Objection.

6.3 Strategic Housing Development: Providing the proposal complies with the minimum space standard, no objection is raised to the conversion.

**7.0 CONTACT OFFICER: Nazia Ali Rizvi ,Planner**

**8.0 DATE PREPARED: 2<sup>nd</sup> February 2017**

## **SUMMARY OF REPRESENTATIONS**

From: Riley Phil (Cllr)  
Sent: 17 January 2017 17:29  
To: Rizvi Ali Nazia  
Cc: McDonald Kate; Whittle Ron Cllr; Liddle Sylvia Cllr; True Tracey (Nee Watson)  
Subject: Stanley Arms application 10/16/1321

Hi....following our conversation this afternoon, can I detail my objection to this planning application.

I am told by nearby residents that a young couple with a small child have been living in the part of the house nearest to number 8 Pemberton St for a number of weeks – they leave the building via the top door each morning between 7.30 and 8.00 and return around 5.00 pm. The residents also say that a single young boy is living next door and leaves the property by the middle door. The residents' best guess is that two upstairs flats have been created and have been lived in by a series of white people and, to my mind, this would suggest that the owner is creating an HMO.

When the building was converted from a public house to residential, there was a concern that the owner would be trying to create an HMO and the decision made at the Planning Committee made it clear that the application was being approved on condition that the converted house was only lived in by the owner and his family. The information that I have been given would suggest these conditions are being regularly breached and, therefore, my view is that this new application should be refused.

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From: Liddle Sylvia Cllr  
Sent: 18 January 2017 16:33  
To: Planning  
Cc: Whittle Ron Cllr  
Subject: Re:- Stanley Arms Application no 10/16/1321

I write to express my concern about the new planning application for the former Stanley Arms Public house. An application was granted some considerable time ago to convert the former Public House into a dwelling and I'm sure that a condition was made at that time, stating the converted house was only to be lived in by the owner and his family; (please confirm I have got this correct?).

I have been informed by residents who live in close proximity about various works taking place; (mention of several outside doors have been referred to?). It is said that a couple with a small child leave the house each day before 8am

and return at tea-time about 5pm. I was also informed that a single boy appears to be living next door and leaves the property (referred to by the 'middle door').

It is being suggested that there have been two upstairs flats created (AND, lived in, by a series of white people over a period of time). All this leads me to believe that this dwelling has become/or will become a HMO!

Should this prove to be correct, then there has been a flagrant breach of the planning condition! Therefore, I urge you to refuse the application and place on record my strong objection to the above application.

I appreciate that the information is being provided 'second hand' but I have no reason to doubt the veracity of the residents who contacted me.

Kind regards,  
Sylvia

Cllr Sylvia Liddle JP  
Roe Lee Ward

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From: Whittle Ron Cllr  
Sent: 18 January 2017 16:43  
To: Planning  
Cc: Liddle Sylvia Cllr  
Subject: Stanley Arms Application no 10/16/1321

Planning,

Given what has already been said by Sylvia and Phil and what I have heard myself from local residents, I would also ask that you refuse this application.

Councillor Ron Whittle  
Roe Lee Ward

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