

# PLANNING AND HIGHWAYS COMMITTEE

## Thursday, 16 June 2022

**PRESENT** – Councillors, David Smith (Chair), Akhtar, Casey, Khan, Slater, Browne, Marrow, Baldwin, Desai, Liddle, Imtiaz, Mahmood and McCaughran.

**OFFICERS** – Gavin Prescott, Michael Greel and Shannon Gardiner

### RESOLUTIONS

#### 10 **Welcome and Apologies**

The Chair welcomed everyone to the Committee.

There were no apologies were received.

#### 11 **Minutes of the Previous Meeting**

**RESOLVED** - That the minutes of the previous meeting held on 26<sup>th</sup> May 2022 be confirmed and signed as a correct record.

#### 12 **Declaration of Interest**

**RESOLVED** – There were no Declaration of Interests received.

#### 13 **Planning Applications for Determination**

The Committee considered reports of the Strategic Director of Place detailing the planning applications.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the Officers answering points raised during discussion thereon.

##### 13.1 **Planning Application 10/22/0266**

**Applicant** – Mr S. Close & Miss B. Leek

**Location and Proposed Development** – 33 Coronation Avenue, Feniscowles, Blackburn, BB2 5EL.

Full Planning Application for Erection of two storey side extension, single storey rear extension, flat roof dormer to rear, insertion of roof lights and roof canopy to front.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report

##### 13.2 **Planning Application 10/22/0370**

**Applicant** – Ashworth Nursery School

**Location and Proposed Development** – Ashworth Nursery School, Addison Close, Blackburn, BB2 1QU

Full Planning Application (Regulation 4) for Installation of 2.4m high anti-climb green mesh fencing and passenger gates to replace to existing fencing

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report

**13.3 Planning Application 10/22/0428**

**Applicant** – Blackburn Waterside Regeneration Ltd

**Location and Proposed Development** – Former Sappi Mills, Plot 1, Phase 1 A (Watermills Development) Livesey Branch Road, Blackburn

Full Planning Application (Retrospective) for Erection of a detached 3 bedroom bungalow (retrospective)

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report.

**14 Proposed Introduction of an Article 4 Direction - Removal of permitted development rights for the change of use from Use Class C3 (dwelling-houses) to C4 (HMOs)**

The Members of the Committee were briefed on the current issues relating to Houses of Multiple Occupation (HMOs) and set out the justification for making a new Article 4 Direction to control the change of use from a dwelling house to a HMO and to set out the new designated area which that Direction will apply to. (The new Article 4 Direction designation is proposed to cover the whole urban area of Blackburn with Darwen and will replace the existing Article 4 Direction.)

In April 2010, the Government introduced a new Use Class C4 (C4) to the Use Classes Order, relating to Houses of Multiple Occupation (HMOs) covering small shared houses or flats; defined as being occupied by 3 to 6 unrelated individuals who share basic amenities. In October 2010, the Government then introduced legislation, under 'permitted development rights' to allow the change of use of a dwelling house to a C4 use without the need to apply for planning permission. Whilst introduced through previous legal Orders, these 'permitted development' rights are now legislated through The Town and Country Planning (General Permitted Development) (England) Department of Place, Growth and Development Order 2015 (as amended)<sup>1</sup> or GPDO for

short, which gives permission to carry out certain 'permitted development' subject to certain conditions.

The GPDO (2015) (Part 3, Class L (part b)) grants permitted development rights to allow the conversion from a use falling within Use Class C3 (dwelling houses) to a use falling within Class C4 (HMOs), and relate only to dwelling houses of not more than 6 residents. Proposals for HMOs containing 7 or more residents already require planning permission to be sought.

In usual circumstances, the conversion of a dwelling house to a HMO (for 3 to 6 persons) does not therefore require planning permission to be sought. However, the Government recognises that sometimes local circumstances will mean greater control needs to be given to local powers to manage such types of development. Consequently, Article 4 of the GPDO (2015) allows Local Planning Authorities (LPAs) to remove permitted development rights from specified areas under their management, thereby requiring applicants to apply for planning permission and enabling the LPA the opportunity to consider a proposal in more detail. These are called Article 4 Directions.

In 2012, Blackburn with Darwen Borough Council agreed to introduce a (non-immediate) Article 4 Direction to remove permitted development rights for the conversion of C3 to C4 uses within the wards, then known as, Shear Brow, Corporation Park, Wensley Fold, Mill Hill, Ewood, Sudell and Sunnyhurst. The Direction was introduced in response to concerns from elected members, residents, businesses and other stakeholder agencies, at the detrimental impact that high numbers and localised concentrations of HMOs were having on the physical, economic and social fabric of communities and neighbourhoods across the borough.

Later in 2012, a Supplementary Planning Document (SPD) relating to planning applications for HMOs was consulted upon and adopted, producing clear and detailed local policy guidance to set out how and why HMOs were affecting the sustainability of communities and neighbourhoods in the borough, and the very limited circumstances where they may be supported.

In February 2013, the Article 4 Direction (agreed in January 2012) came into force requiring all changes to C4 uses within the defined Article 4 areas to seek planning permission. Small HMOs outside of the defined areas, where issues of concentration had not been identified, still retained their permitted development rights.

In accordance with national planning guidance (para 49)<sup>2</sup>, the Council report accompanying the original Article 4 Direction (2012) set out its intent to monitor the appropriateness of the Direction, including review and consideration of whether the original rationale and/or extend of the Direction continues to be valid.

Whilst the planning actions taken so far to resist additional HMO approvals in those designated areas are considered to have been successful, there have been increasing concerns, from a variety of Council services, that the number of HMO beds in the borough is growing and, with it, concerns regarding the amenity harm and associated impact on public services and communities. Despite the Article 4 Direction, over recent years the borough has seen a considerable increase in the provision of HMO accommodation, and the

Council now consider there to be an over provision of such accommodation, which includes providing for needs imported from outside of the Borough. The consequence of this proliferation of HMOs are multiple and varied, including impacting on amenity and well-being, limiting opportunities for investment and regeneration, reducing the Council's ability to address the housing supply imbalance, and increasing the demand for frontline services.

The growth in HMOs and the increase in associated issues, alongside the progression of the Council's emerging Local Plan (2021-2037) means this is now an opportune time to review the Article 4 restrictions and their designated geographic areas. Whilst acknowledging that planning is only one part of a number of preventative actions to be implemented by the Council as a whole, Planning continues to be a key tool in the management of HMOs in the Borough.

The Committee discussed the report and were in agreement that it was a beneficial and comprehensive report and to thank the officers for their hard work in producing the Article 4 Direction.

### **RESOLVED –**

1. That the Committee noted the issues described in the report and the rationale behind the proposed approach;
2. That the Committee endorsed the making of a non-immediate Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), with a 12-month lead-in period, to remove the permitted development right granted by Schedule 2 Part 3 Class L(b) of that Order, which allows a change of use from a dwelling house (C3) to a house in multiple occupation with between 3 and 6 occupants (C4) and which will apply to all urban areas of the borough as shown on the accompanying plan.
3. That the Committee recommend Council Forum approve the making of such Article 4 Direction, with the required consultation to take place over a 6 week period over August/September 2022.

## **15 Enforcement**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 63 Oozehead Lane, Blackburn.

Background information including grounds for the request were outlined in the report.

**RESOLVED –** Authorisation was given to the proposed enforcement action at land as 63 Oozehead Lane, Blackburn.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed