

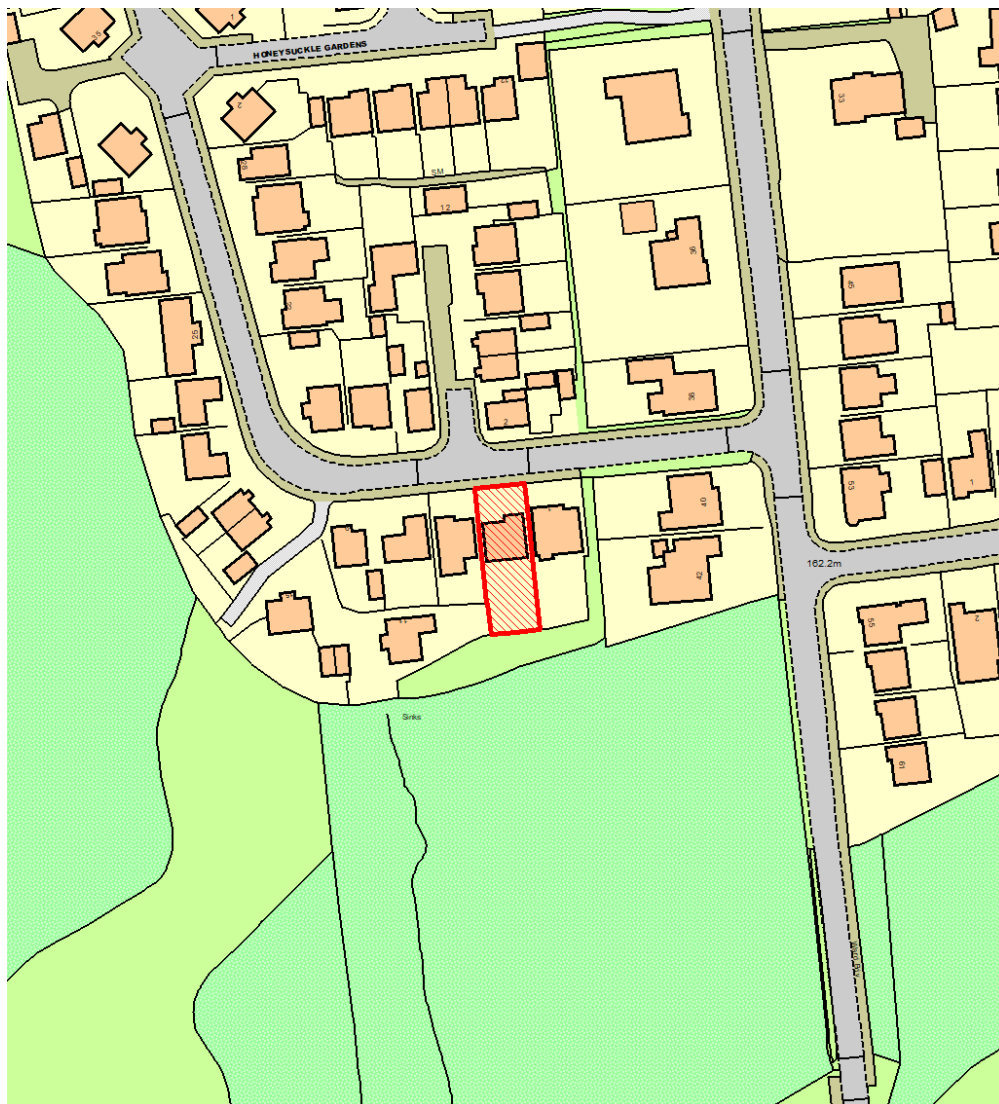
Proposed development: Full Planning Application for Mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (Sui Generis) and insertion of door within side elevation

**Site Address:
3 Buckthorn Lane
Livesey
Blackburn
BB2 5AR**

Applicant: Justine Sharp

Ward: Livesey With Pleasington

**Councillors: Derek Hardman
Paul Marrow
Mark Russell**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution due to an objection having been received on the 2nd October 2023 from Livesey Parish Council (refer to paragraph 4.1.21).
- 2.2 The proposal seeks to part convert the existing integral garage into a commercial kitchen, with external alterations to facilitate the conversion.
- 2.3 Assessment of the application finds that the proposal is acceptable in terms of its size, scale and appearance, and would not unacceptably compromise residential amenity or highway safety. The proposal therefore complies with the relevant development plan policies. Therefore, in accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is considered acceptable subject to the conditions listed.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a two storey, detached dwelling situated on the southern side of Buckthorn Lane, Blackburn, which is part of the recently constructed housing development to the west of Gib Lane.
- 3.1.2 The immediate street scene in which the application site is situated is characterised by semi-detached and detached, two storey dwellings. The application property is part of planning approval 10/15/0901 for the 'residential development for 79 dwellings', which was approved by the Committee at their meeting in May 2016.
- 3.1.3 Condition no.18 imposed on this permission removed the permitted development rights for Part 1, Classes A-E, and Condition No.7 removed the permitted development rights relating to the conversion of the garage. As such, planning permission is required for the conversion of part garage to commercial kitchen.



Figure 1: Google aerial view of the application site

3.2 Proposed Development

3.2.1 The proposal relates to a change of use/full planning application for a 'mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (sui generis) and insertion of door within side elevation'. The existing 'up and over' garage door will be retained due to the commercial kitchen conversion being located within the back half of the garage. Access to the commercial kitchen will be gained via the proposed insertion of door.

3.2.2 Figure 2 below relates to the Supporting Statement submitted by the agent acting on behalf of the applicant.

PLANNING APPLICATION FOR PART CHANGE OF USE OF INTEGRAL GARAGE TO PRIVATE DWELLING TO DOMESTIC SCALE COMMERCIAL KITCHEN

3 BUCKTHORN LANE, BLACKBURN

SUPPORTING STATEMENT

AUGUST 2023

This statement is prepared to support a planning application for part conversion of an integral garage to a small commercial kitchen to facilitate a food preparation business currently running from the property at 3 Buckthorn Lane, Blackburn.

Bluebell Bakes has been running out of the family kitchen for 4 years. The proposed garage conversion is simply to extend the space into the garage so that Bluebell Bakes & the family have their own dedicated space.

Bluebell Bakes is run solely by Jessica Sharp, daughter of Justine Sharp (the applicant) (with no other employees). Blackburn Council food hygiene department have inspected Bluebell Bakes annually and she is registered as a business with Blackburn Council.

Customer orders are a mixture of delivery and collection, during business hours but these are usually only 1 or 2 per day so there is not a significant increase in footfall or traffic to the property. There are no food deliveries to the property as Jessica gets her ingredients from supermarkets which she collects herself. It should be noted that this is not a full-time business. Jessica works 4 days a week in a local café. Her business is split into 2 sectors. She caters for cold buffets (including sandwiches, sausage rolls, pork pies, fruit platters and cheese) but her main business is celebration cakes, traybakes & cupcakes which are made & decorated on the premises.

The new kitchen is proposed to allow the existing kitchen within the main property to be undisturbed by the running of the business. The only change to the external appearance of the dwelling will be a new external door into the new kitchen.

The new kitchen will be approximately 7 sq.m in size taking up roughly half of the existing garage, with the front half retained for storage for the dwelling house.

The business operates using only small scale domestic appliances and noise and smell will be kept to a minimum. There is no requirement for industrial scale mechanical extraction and ventilation will be provided by a standard domestic kitchen vent.

The dwelling house will remain principally a private residence with the business being a secondary use. The general hours of operation of the business could be anywhere between 9am-5pm Monday to Friday but, as mentioned above, the business is only run part-time as Jessica has another job working 4 days a week in a local café.

The business utilises extra refuse bins but these are stored out of view to the side and rear of the property.

Further information was provided by the applicant on the 11th October 2023:

I have just spoken to the Council's Highways Officer who would like a few more details regarding deliveries/customers collecting orders and how this would be managed long term?"

As stated previously Jessica collects her ingredients in 95% from supermarkets / cash & carries. Deliveries from suppliers are very rare.

From a customer point of view the majority of orders are delivered to the customer or to venues. There are occasionally - maybe once or twice a week - where customers collect their orders from the house. But this is just a handover taking a few minutes and we have enough space in front of the house to not impact any of the neighbours.

Figure 2: Supporting Statement.

3.2.3 The existing and proposed plans and elevations are shown below at Figure 3:

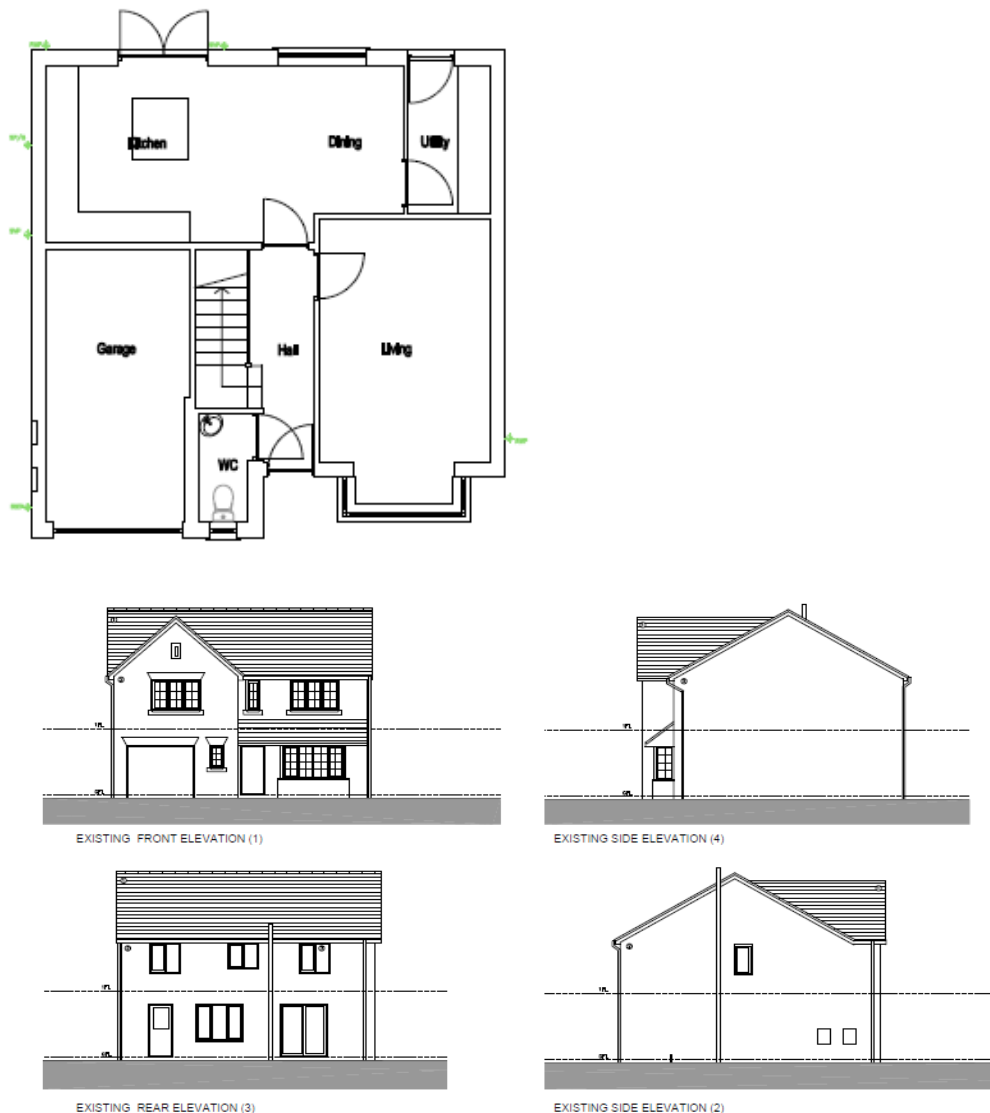
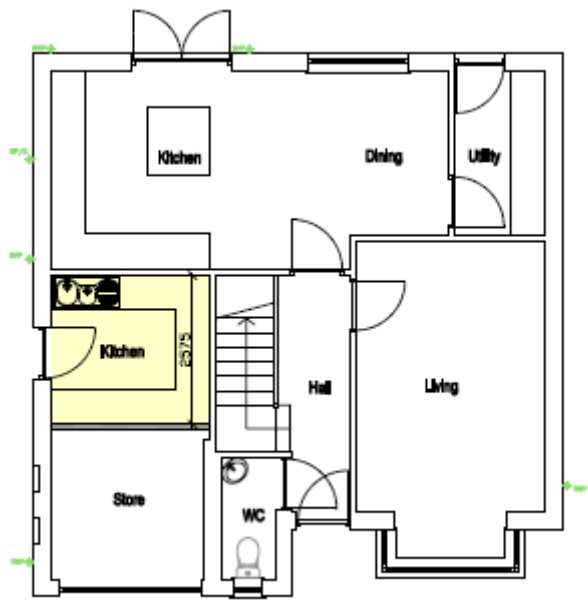


Figure 3 (i): Existing floor and elevation plans.



PROPOSED FRONT ELEVATION (1)

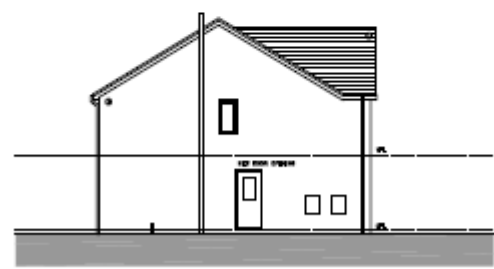


PROPOSED SIDE ELEVATION (4)

- GENERAL
- 1. EXTERIOR
 - 2. INTERIOR
 - 3. GLASS
 - 4. ASPHALT



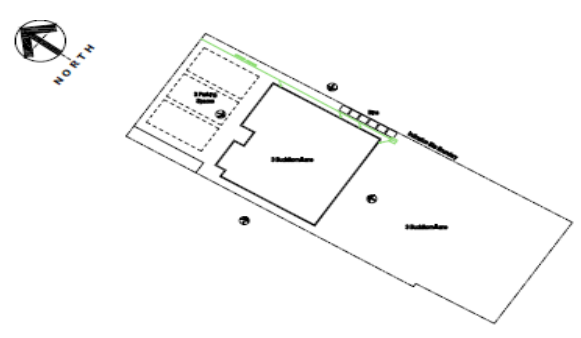
PROPOSED REAR ELEVATION (3)



PROPOSED SIDE ELEVATION (2)

Figure 3 (ii) Proposed floor plans and elevation plans.

3.2.4 Figure 4 below shows the proposed site plan, illustrating the parking spaces.



3.3 Case Officer Photos – taken 11th September and 13th October 2023



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 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design

3.4.3 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

- RES E1: Materials

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF)

4.0 Assessment

Principle

4.1.1 The supporting statement referred to in para 3.2.2 above, was received as part of the planning application to detail the need of the proposed commercial kitchen. Please see below extracts from the submitted supporting statement;

4.1.2 *“Bluebell Bakes has been running out of the family kitchen for 4 years. The proposed garage conversion is to extend the space in to the garage so that Bluebell Bakes and the family have their own dedicate space.*

Bluebell Bakes is run solely by Jessica Sharp, daughter of Justine Sharp (the applicant).

It should be noted that this is not a full-time business. Jessica works 4 days a week in the local café. The business operates using only small scale domestic appliances and noise and smell will be kept to a minimum. There is no requirement for industrial scale mechanical extraction and ventilation will be provided by a standard domestic kitchen vent.

The dwellinghouse will remain principally a private residence with the business being a secondary use. The general hours of operation of the business could be anywhere between 9am-5pm, Monday to Friday. “

4.1.3 Bluebell Bakes is solely run by Jessica Sharp (the daughter of the applicant), there are no other employers of the business. The business serves the local community and appears to be a very popular business.

4.1.4 The application relates to a single domestic garage at a two storey dwelling, which is proposed to be part converted into a semi-commercial kitchen that provides for celebration cakes, cupcakes, savouries, tray bakes and buffets.

4.1.5 The use of the garage for the purpose applied for, would operate at a level only a little above that which could be regarded as ancillary to the main dwellinghouse. With appropriate controls relating to the use, it is considered there can be scope for small-scale commercial activity in residential areas provided it causes little harm to amenity. As such, the principle of the development is supported subject to other policy considerations discussed below.

Residential Amenity

4.1.6 It is important to consider the potential impacts the proposed development would have on the residential amenity of the occupiers of nearby dwellings. Local Plan Part 2, Policy 8 ii) requires new development to “secure a

satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust or other pollution or nuisance, privacy/overlooking and the relationship between buildings.”

- 4.1.7 The proposed part conversion of garage to commercial kitchen would be located within the rear half of the garage. There is to be no alteration to the existing front elevation of the garage with the ‘up and over’ door being retained. There will also be no adverts or window display, so the property retains its domestic appearance.
- 4.1.8 The supporting statement confirms *‘the business operates using small scale domestic appliances. There is no requirement for an industrial scale mechanical extraction and ventilation will be provided by a standard domestic kitchen vent’.*
- 4.1.9 In order to protect the residential amenity of neighbouring occupiers, Public Protection have recommended that a condition should be applied to any approval which limits the use of the commercial kitchen to Monday – Friday with the hours of use being 9:00 -17:00. This will minimise any noise/cooking odour to ensure no disturbance to adjacent residential properties occurs.
- 4.1.10 The proposed insertion of door within the side elevation to allow access in to the commercial kitchen is acceptable from a residential amenity perspective.
- 4.1.11 The proposal is considered to meet the requirements of Policy 8 of the LLP2 (2015) and supporting SPD Policies.

Design and Visual Amenity

- 4.1.12 Policy 11 of the Blackburn with Darwen Local Plan Part 2 (2015) requires all new development to *“present a good standard of design and will be expected to:*
- i) Demonstrate an understanding of the wider context; and*
 - ii) Make a positive contribution to the local area.”*
- 4.1.13 As stated previously, the front elevation of the property will not be altered. The existing garage ‘up and over’ door will be retained.
- 4.1.14 The proposed insertion of the door on the eastern side elevation is also acceptable from a visual amenity perspective. The proposed door will not be viewed from the street scene and will have no impact on the design of the local area.

Highways

- 4.1.15 Policy 10 of the LPP2 (2015) requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudices and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council’s adopted standards.

- 4.1.16 The applicant has confirmed that customer orders are a mixture of delivery and collection. The collections of orders are during business hours and are usually 1 or 2 per day. There are no food deliveries to the property, all ingredients are purchased from supermarkets which are collected.
- 4.1.17 It was noted on a site visit that 3 off-street parking spaces are available at the front elevation of the property. According to the approved site layout, originally the property would have featured two parking spaces on the front driveway, however, it appears that the owners of the property have hard surfaced the soft landscaped area to create an additional parking space. Under the planning approval 10/15/0901 permitted development rights were removed for Part 1, Classes A-E, however Members are advised that Class F has been retained, allowing part of the driveway to be hard surfaces subject to compliance with the conditions of Part 1, Class F of the General Permitted Development Order (GPDO).
- 4.1.18 The supporting statement (refer to para 3.2.2), provides details regarding deliveries and collections from 'Bluebell Bakes', please see below;

"Customer orders are a mixture of delivery and collection, during business hours but these are usually only 1 or 2 per day so there is not a significant increase in footfall or traffic to the property. There are no food deliveries to the property as Jessica gets her ingredients from supermarkets which she collects herself. It should be noted that this is not a full-time business. Jessica works 4 days a week in a local café. Her business is split into 2 sectors. She caters for cold buffets (including sandwiches, sausage rolls, pork pies, fruit platters and cheese) but her main business is celebration cakes, traybakes & cupcakes which are made & decorated on the premises".

- 4.1.19 The Council's Highways Officer has raised concerns for the proposals which were discussed verbally regarding deliveries/collections and on-street parking capacity which could be affected. However, a condition will be attached to ensure that the business is not open to customers outside the hours of 9-5. This will ensure that if any collections are to take place no unacceptable levels of disturbance will be caused. Furthermore, the applicant has already confirmed that they receive no food deliveries and all ingredients are collected themselves from the supermarket. Compliance with Policy 10 of the LPP2 (2015) is therefore achieved.

Further Comments:

- 4.1.21 An objection was received from Livesey Parish Council regarding the Covenants on the title deeds for the application property. After this the acting agent for the submission was contacted in relation to these issues. This being said covenants are a separate matter that are required to be resolved between the applicant and the landowner/freeholder of the title deed covenant. Therefore, this does not fall within the scope of the assessment relating to the planning application, and as such, members are advised to not take this issue into consideration.

5.0 RECOMMENDATION

Delegated authority is given to the Strategic Director of Growth and Development/Deputy Chief Executive to approve the planning permission, subject to the following conditions.

5.1 Approve 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:

Proposed Elevations, Drawing Number PL/07, Date Received 08/09/2023
Proposed Floor Plans, Drawing Number PL/06, Date Received 08/09/2023
Proposed Site Block Plan, Drawing Number PL/05, Date Received 08/09/2023
Supporting Statement, Date Received 08/09/2023

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

3. The approved use shall be restricted to the following times and shall not be open to customers outside of these hours:

Monday to Friday: 9:00 – 17:00 hours
Any variation of the above hours restriction must be approved in writing by the Local Planning Authority.

REASON: To ensure appropriate hours of use to minimise any noise/cooking odour disturbance at adjacent residential premises.

4. The development hereby permitted shall be carried on / occupied only by the applicant trading as 'Bluebell Bakes', and not by any other person.

REASON: For the avoidance of doubt, and to protect the neighbouring amenity in accordance with Policy 8 of the Local Plan Part 2 (2015).

5. The garage use hereby permitted, is restricted to the use applied for only, and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: For the avoidance of doubt, and to protect the neighbouring amenity in accordance with Policy 8 of the Local Plan Part 2 (2015).

6. No advert shall be displayed anywhere on or in the garage or the main dwelling such that it can be seen from outside the property.

REASON: To protect the visual amenity of the local area in accordance with Policy 11 of the Local Plan Part 2 (2015).

6.0 PLANNING HISTORY

- 6.1 10/79/1589 – Erection of houses and bungalows
- 6.2 10/88/0116 – Residential development
- 6.3 10/15/0901 – Residential development for 79 dwellings
- 6.4 10/16/0714 – Discharge conditions 2,4,8,9,10,15,17 of 10/15/0901
- 6.5 10/16/0765 – Non-material amendment for revised house type (Montgomery) on application 10/15/0901
- 6.6 10/17/0564 – Discharge of conditions 8 and 17 pursuant to planning application 10/15/0901

7.0 CONSULTATIONS

- 7.1 Public Consultation – neighbouring properties were consulted by letter on the 8th and 11th September 2023. No representations have been received.

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 26th October 2023