

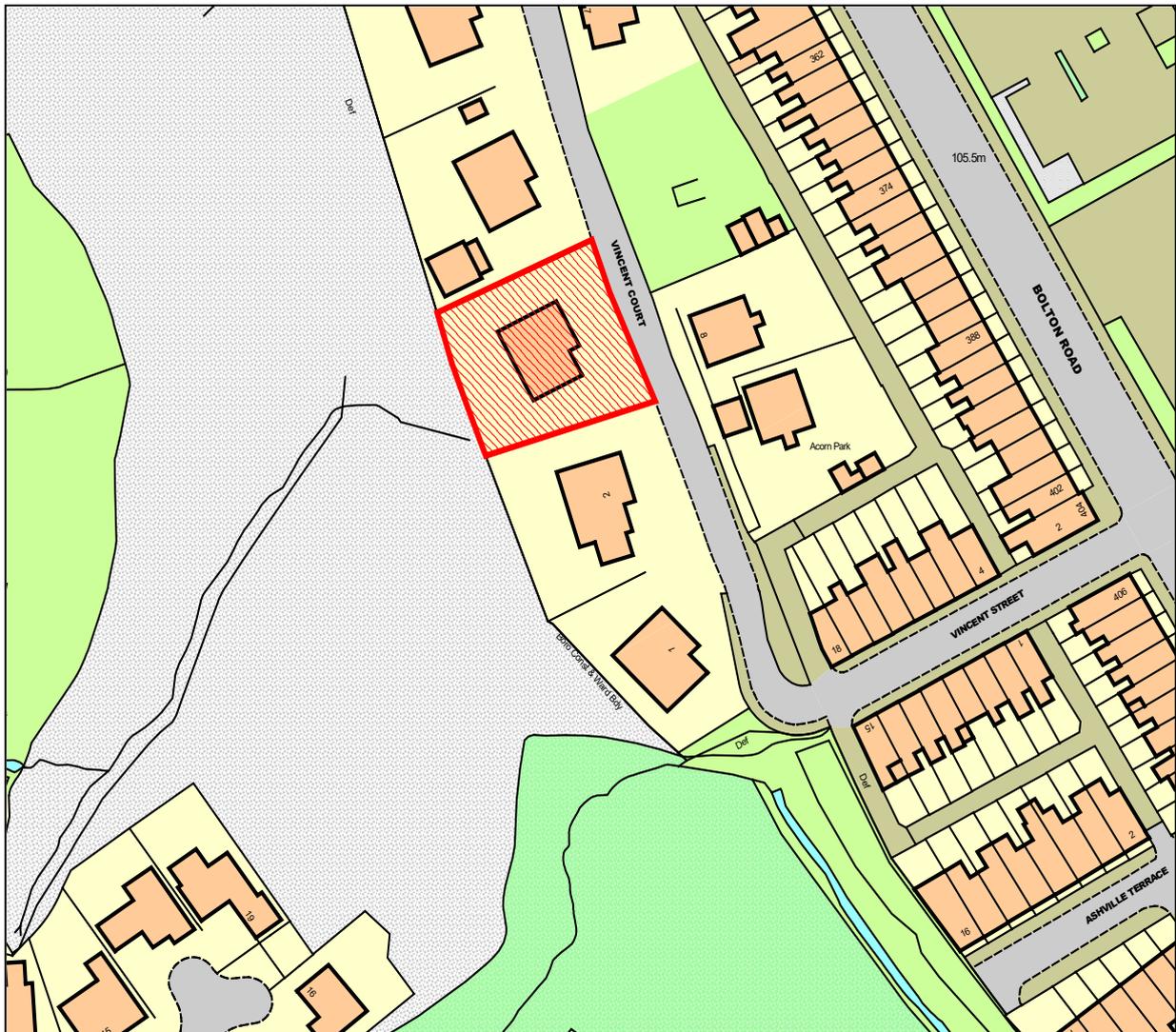
**Proposed development: Full Planning Application for Erection of single storey extension to the side of the existing property to form supported living space. New detached outbuilding to the rear to form gym for service user use.**

**Site address:  
3 Vincent Court  
Blackburn  
BB2 4LD**

**Applicant: Doctor Imran Ali**

**Ward: Ewood**

**Councillor Maureen Bateson  
Councillor Jim Casey**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission for the reasons as stated in Paragraph 4.1.

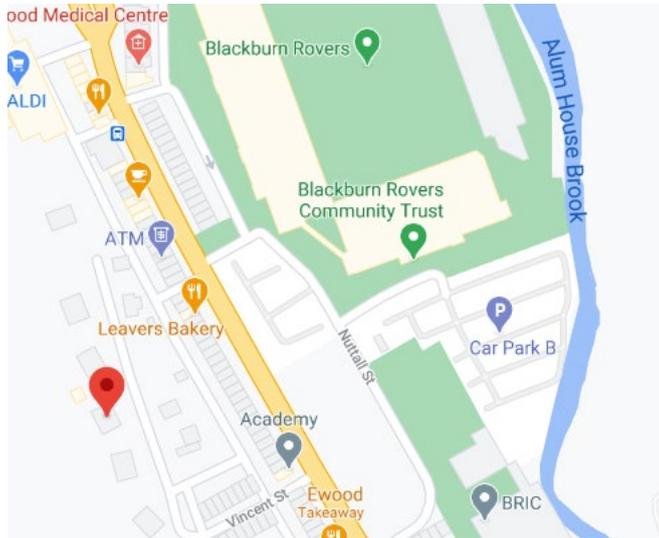
## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application is presented to the Committee in accordance with the Scheme of Delegation following the receipt of a petition signed by six residents. A summary of the comments is provided at Paragraph 6.1 below. The proposed development has been publicised through letters to residents of adjoining properties. No other letters of objection have been received.
- 2.2 Planning permission was refused on 20<sup>th</sup> May 2020 for a single storey extension to each side of the existing property to form two separate self-contained supported living spaces and a new detached outbuilding to the rear to form gym for service user use (10/20/0337). There were six reasons for refusal:
- The proposed side extensions, by virtue of their design, layout and purpose, would result in the host dwelling no longer being in compliance with the criteria set out for Class C3 of the Use Classes Order 1987 (as amended) (i.e. the property would cater for more than the permitted maximum of 6 residents).
  - The proposed extensions and their use, by virtue of them not qualifying as permitted development, fail to demonstrate their role within the Council's strategic approach to commissioning new services and facilities.
  - The proposed development, by virtue of its scale and use, increases the intensity of use on the site and introduces into the setting a mode of living incongruous to the context in which it is set.
  - The proposed development, by virtue of the layout of fencing and gates, fails to demonstrate how it can meet its own servicing requirements in terms of bin storage.
  - The fencing proposed for the front curtilage of the south annex, by virtue of its design, height, materials and location, fails to understand the open front gardens characteristic of Vincent Court to the detriment of visual amenity.
  - The proposed development, by virtue of substandard-sized parking spaces and intrusion into the service strip, fails to adequately provide for parking within the curtilage.
- 2.3 The key issues to be addressed in determining this application are:
- How the reasons for refusal of planning application 10/20/0337 have been addressed
  - Materiality
  - Detached outbuilding

### 3.0 RATIONALE

#### 3.1 Site and Surroundings

3.1.1 The site of the proposed development is located in a cul-de-sac of modern detached dwellings to the east of Fernhurst Woods, and behind the A666 opposite Ewood Park.



(Google maps)

3.1.2 The dwelling is located within a row of detached dwellings, each being centrally located within their plot with garden curtilage to the sides as well as to the front and rear of the dwellings.

Application site:



(Google)

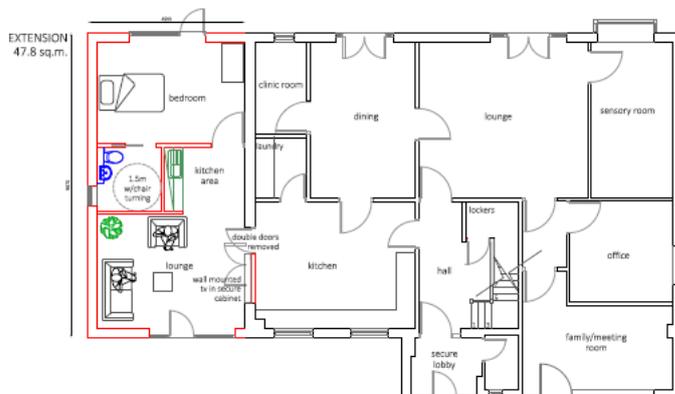
3.1.3 The application site is characterised by an open frontage, common to the properties on the west side of Vincent Court. There is a stretch of garden either side of the dwelling, with the rear garden being tiered.

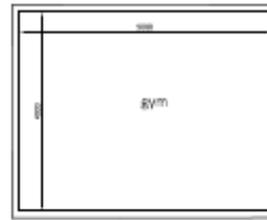
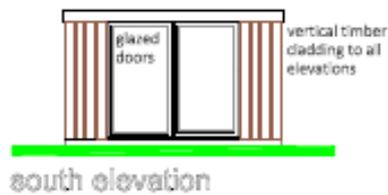


Case Officer site photos

## 3.2 Proposed Development

3.2.1 The proposed development is comprised of two components: the single storey side extension and the detached rear outbuilding to form a gym.





plan

### 3.3 Development Plan

#### 3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (December 2015)

- Policy 8: “Development & People”
- Policy 10: “Accessibility & Transport”
- Policy 11: “Design”
- Policy 47: “The Effect of Development on Public Services”

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

- RES E5: “Over Development”
- RES E8: “Single Storey Side Extensions”
- RES E19: “Extensions and Parking”

### 3.4 Other Material Planning Considerations

#### 3.4.1 National Planning Policy Framework (NPPF) (February 2019):

- Section 12: “Achieving Well-Designed Places”
- Section 8: “Promoting Healthy and Safe Communities”

### 3.5 Assessment

#### 3.5.1 Use Class Considerations (addressing Refusal Reason 1)

3.5.2 No. 3 Vincent Court has been identified in this and the two previous planning applications as the former dwelling house and its curtilage – the red edge being the same in both cases and encompassing the land up to its boundaries with Nos. 2 and 4 Vincent Court either side of the property, the highway to the front, and open land to the rear.

3.5.3 On 17th October 2019, a Lawful Development Certificate was issued in respect of the former dwelling undergoing a change of use to C3(b): “Up to six people living together as a single household and receiving care e.g. supported

housing schemes such as those for people with learning disabilities or mental health problems” (10/19/0827). That proposal was specifically for 5 persons with mental health requirements living together as a single household and receiving care. The approval was based on:

- Five people living together as a single household.
- The service providing accommodation for residents who have formal diagnosis of Moderate to Severe Autism, Learning Disability or Mental Health Problems and who require personal and social care and support. Support staff will have been trained to manage the needs and complexities of the residents.
- The service providing shared living, dining and kitchen area, ensuring that the residents will share at least one meal a day together. The care provided including 24hr staffing of day and night shifts with a mix of skills, support workers, activity and co-ordinators, as well as a senior management team who will be qualified in supporting and meeting the needs of the residents. Access will be available to a Psychologist and Occupational Therapist who have specialist knowledge of the service users and their needs.

3.5.4 The refusal of application 10/20/0337 was based on introducing another two residents into the site through building a self-contained annex onto either side elevation, with no internal access between the annexes and the main house, and front and rear fencing that – in effect – introduced two separate curtilage areas associated specifically with each of the units.

3.5.5 It was considered that the proposals materially affected the C3(b) planning unit. With the increase of the service provided to seven bed spaces, and with not all residents living together as a single family unit, there had been a material change to the planning unit not provided for under the Lawful Development Certificate previously issued. No. 3 Vincent Court would not therefore be able to operate as a C3 residential dwelling.

3.5.6 This application is considered to have addressed the first reason for the refusal of 10/20/0337. One extension has been removed, and the remaining extension – whilst being able to provide some separate space – is linked to the main house and enables the occupant to integrate with the other residents.

3.5.7 Crucially, whilst 10/20/0337 specified 5 persons living together as a family, since the development proposed now only provides for one additional person, the whole planning unit that is 3 Vincent Court can be considered to remain qualified to function as a C3(b) unit of no more than 6 persons living together as a single family entity. The proposed extension therefore does not nullify the Lawful Development Certificate issued under 10/19/0827.

3.5.8 The Purpose of the Extension (addressing Refusal Reason 2)

3.5.9 The NPPF requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community (Paragraph 92b).

3.5.10 The removal by this application of health and social care provision beyond that allowed under permitted development removes the requirement for the applicant to provide a statement as to the relevance of the proposals to the provision of mental health facilities within Blackburn with Darwen. One additional person in an ancillary unit enables No. 3 Vincent Court to retain its function as C3(b) use.

3.5.11 Development is required by the Local Plan 2 to understand the wider context (Policy 11 Local Plan 2) which includes contributing positively to the overall character of the area (Policy 8). The proposal achieves this. The continued living together as a family in the main house and the accessibility of the occupant of the ancillary unit to this life together accords with the residential context of the area. The second reason for refusal is considered to be adequately addressed.

#### 3.5.12 Side Extension – Design and Layout Considerations (addressing Refusal Reasons 3-6)

3.5.13 The proposed design of the side extension is considered to meet the Council's Residential Design Guide (RES E8 and E5) and Local Plan 2 Policies 11 and 10.

- The extension in terms of scale, height (3.0 metres to the eaves, 5.3 metres to the ridge) and massing is considered to be subordinate to the original dwelling.
- The roof is dual pitch and materials for both roof and walls are considered to complement the original materials.
- Access to the rear of the property is maintained. The removal of the fencing from around the extension ensures a route is provided for bins to be moved from the front to the rear of the property.
- In addition, the removal of a secure curtilage area in front of the annex is considered to demonstrate an understanding of the context of the development. The visual amenity of the setting is therefore secured.
- The proposed parking is considered to meet the Council's adopted parking standards. The removal of the extension from the north gable elevation facilitates the continuation of existing parking arrangements.

3.5.14 It is therefore considered that the design and layout modifications made in this application have addressed reasons 3 to 6 of the refusal of 10/20/0337.

#### 3.5.15 Materiality Considerations

3.5.16 The use of the host dwelling as a C3(b) dwelling has been previously established through the issuing of a Certificate of Lawful Development. A Certificate of Lawfulness is a specific type of application made under the

Town and Country Planning Act 1990. It essentially asks for a formal determination from the Council as to whether or not a use can proceed without the need for planning permission. The use of No. 3 Vincent Court specifically for 5 persons with mental health requirements living together as a single household and receiving care is therefore an approved use. Use Class C3(b) permits up to 6 to be resident.

- 3.5.17 A Certificate of Lawfulness is determined on legal grounds rather than planning merits. As such, the Council's constitution does not make any provision for such applications to be determined either under the Scheme of Delegation or brought before the Council's Planning Committee for determination.
- 3.5.18 As uses established through a Certificate of Lawfulness are not subject to Council control in terms of occupancy, bed spaces provided become available to remote authorities. The key implication in all this is that people with complex needs are brought into the borough placing additional strain on already pressurised local public services.
- 3.5.19 Officers from the Council's planning department have been working with colleagues in adult (and children's) services to better understand the nature of care homes and the issues that exist within the sector. As a result, and whilst every application must be determined on its own merits, the Council is now of the opinion that even within Use Class C3, a change from being a family dwelling-house to being a house for a small group of people living together as a single family can be accompanied by a material change in the property. The inclusion of a sensory room and a clinic room would suggest a material change, in that these provisions would normally be found in a normal C3 dwelling-house and might indicate that a change of use from C3 to C2 had been undertaken.
- 3.5.20 The assessment of this application is not seeking to review the decision to grant a Certificate of Lawful Development under 10/19/0827. However, Policy 47 requires development that would provide accommodation for users of publicly-provided services, including mental health services, to work within the Council's commissioning strategies to ensure that the service delivered is required by the Borough and that it does not lead to an increase in the level of demand upon the Council's limited resources. The full planning application for the extension to No. 3 Vincent Court provides an opportunity to ensure that Policy 47 is adhered to through ensuring the facility is available to those ordinarily resident within the Borough.
- 3.5.21 It is therefore recommended that a condition be attached to this proposed planning approval requiring the approved facilities at Vincent Court being geared towards their use by people either within the Borough or being supported by the Borough but living elsewhere on account of facilities not currently being available to them within Blackburn with Darwen.

### 3.5.22 Detached Outbuilding

3.5.23 The proposed detached outbuilding is set to the rear of the property. Its scale at a height of 2.5 metres and a footprint of 5.3 metres x 4.3 metres is acceptable. The timber material is not considered brilliant; but given that other properties have timber fences separating the front from the back curtilage, the material is consistent with uses elsewhere in the context. Moreover, if the property were to remain in C3 usage, it is likely that the outbuilding would be permitted development. As it is, the outbuilding is considered to be in accordance with Policy 11 of the Local Plan 2.

#### **4.0 RECOMMENDATION**

4.1 It is recommended that the Planning and Highways Committee approve the application subject to conditions which relate to the following matters:

- Development to commence within 3 years
- Development is conditional upon the facilities being available to residents from within the Borough
- Materials to match those used in the original dwelling

#### **5.0 PLANNING HISTORY**

5.1 10/20/0337 - a single storey extension to each side of the existing property to form two separate self-contained supported living spaces and a new detached outbuilding to the rear to form gym for service user use. Refused under delegated powers 20/05/2020.

5.2 10/19/00827 – Change of use to C3(b) specifically for 5 persons with mental health requirements living together as a single household and receiving care (Lawful Development Certificate – proposed). Granted under delegated powers 17<sup>th</sup> October 2019.

5.3 10/09/0965 – Single storey side and rear extensions. Balcony over side extension. Alterations to front porch and new boundary wall. Approved under delegated powers 23<sup>rd</sup> October 2009.

#### **6.0 CONSULTATIONS**

6.1 Two neighbouring properties were consulted. One petition was received containing six signatures. Comments can be summarised as follows:

- Parking restrictions only enforced on football match days at Ewood Park with problems of access and manoeuvring.
- The business at 3 Vincent Court will have repercussions on parking issues and traffic.
- Bin collection issues.

There is some uncertainty as to whether the petition is against the proposed development or against the traffic problems experienced by Vincent Court

residents, since the applicant's name and address also appears on the petition. The full petition is contained in Section 9.

**6.2 Housing Standards.**

- There is no information on kitchen provisions (cooker/ refrigerator / cupboard space) within the kitchen area of each self-contained unit other than a sink and drainer unit shown on the plans.
- The kitchen area appears to be small and does not have any proposed mechanical ventilation provision.
- There are no refuse bins or bin stores indicated to be provided as part of the plans.
- All works carried out will require full building regulation approval and advice should be sought from Pennine Lancashire Building Control or a appointed inspector along with Lancashire Fire and Rescue in relation to fire safety requirements.

**6.3 Adult Social Services.**

- Unhappy with the proposal but would be supportive of the condition (to ensure facilities are available to residents of the Borough). But would the condition be enforceable.

**7.0 CONTACT OFFICER: John Wilson, Planner Tel: 01254 585585**

**8.0 DATE PREPARED: 25<sup>th</sup> November 2020**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection – Vincent Court Residents. Rec – 28/09/20

Dear Council Planning Manager,

#### **FAO Case worker John Wilson - Re: Planning Application reference 10/20/0828**

I am writing on behalf of the residents of Vincent Court, Blackburn in response to the planning application reference 10/20/0828 for the 'Erection of a single storey extensions to each side of the existing property and the building of a new detached outbuilding at the rear for use as a gymnasium at the property 3 Vincent Court, Blackburn, BB2 4LD'.

The street to which this application applies, is in close proximity to the Blackburn Rovers football ground. The road Vincent Court is a short and narrow cul-de-sac beginning at the end of Vincent Street connecting with a sharp narrow bend to the right. This short cul de sac street provides access to seven properties with a turning circle at the end.

The parking on Vincent Court is currently restricted to 'Permit Holder Parking Only' with single yellow line throughout the street and turning circle. Unfortunately despite this being signposted as a year-round parking restriction, we have been informed by the council and traffic patrolling officers that the parking restrictions are only currently enforced exclusively on Blackburn Rovers match days. As a result of these restrictions not being fully enforced, there are regularly unauthorised, non-permit holder vehicles and trailers parked poorly along the accessing bend to Vincent Court and along the street and turning circle resulting in the residents of this street enduring many problems with access to their respective properties and on being restricted from freely driving in or out of the street due to obstructions caused by offending vehicles.

As well as resident access, the council bin collection have also been affected on countless occasions leaving the residents with no choice but to 'make do' with additional refuse sacks when missed collections are reported to the council due to having no capacity for repeat bin collections until the usual next collection date a month later. With problematic access already evident for residents and refuse trucks, we especially have grave concerns about potential future access problems for emergency service vehicles if the need ever arose which could put the lives of residents at risk.

This street falls under council tax valuation band F and is primarily a residential street, however the property at 3 Vincent Court to which this planning application pertains, intends to be developed and operate as a business providing care and supported living for particular service users.

As residents of this street our main concern with the application is that the proposed development and use of the planning applicant's property as a business will have further subsequent repercussions on parking issues and traffic along the narrow street. Some of the

residents have already previously discussed with the council about existing parking and access problems and this development will potentially increase this traffic footfall due to increased expected vehicle access for visitors/workers/service users which would further impact on an already challenging resident access and parking situation. Prior to this planning application, we as the local residents were already in discussion about requesting council intervention for more stringent parking restrictions on the street. However this planning application has given us the opportunity and platform to discuss our existing traffic problems and issues and the potential for further worsening with the proposed business development. Otherwise we the current residents have no objections to the actual proposed building work planned to this property.

All of the properties accessed from Vincent Court currently have adequate off-road parking and have limited need for street parking and so we kindly request as a solution and counterproposal that the parking restrictions on the whole street including the accessing bend and the turning circle be considered for change and intensification from 'Permit Holder Only' to double yellow lines with year-round enforcement from traffic patrolling officers. This will provide the reassurance to residents of Vincent Court of having free access to their respective properties and for unrestricted access to council refuse vehicles and more importantly emergency services if required. This will also alleviate any resident's concerns regarding further contribution to access problems caused by the inevitable increase in traffic and street parked cars as a result of the proposed property developments and business plans at number 3 Vincent court.

In summary, we would greatly appreciate your understanding and assistance in strongly considering year round enforced restricted parking along the whole of Vincent Court as a solution for existing residential access and parking problems as well as in response to the likely expected increase in traffic problems with the proposed developments and business intentions of the property at 3 Vincent Court. We the residents strongly feel that addressing the current access and parking problems as discussed should be considered high priority and a condition and prerequisite to any approval for further developments on the street. After recent local resident discussions about this issue this proposed plan is supported by all residents and the planning applicant themselves as listed below.