



# Supplementary Planning Document: Houses in Multiple Occupation and Residential Conversions and Sub-Divisions



April 2012



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## 1. Introduction

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- 1.1. This document is a Supplementary Planning Document (SPD) relating to the conversion of buildings into apartments, houses in multiple occupation or hostels.
- 1.2. It provides additional detail explaining how the Council will operate saved policies from the Blackburn with Darwen Borough Local Plan, principally saved Policies H9 and HD5; and sets out good practice that the Council expects to see adopted by developers.
- 1.3. It will apply to the following forms of development
  - The sub-division of family housing or conversion of other buildings into apartments;
  - The creation of Houses in Multiple Occupation accommodating six or more persons;
  - The creation of Houses in Multiple Occupation accommodating fewer than six persons in areas of the Borough covered by an Article 4 Direction which takes away the ability to introduce this kind of use without requiring planning permission. It is expected the Article 4 Direction will become effective on 23 February 2013;
  - The creation of hostels.
- 1.4. A 4 week public consultation on the draft SPD was carried out from 06 February -05 March 2012. The Statement of Community Involvement which is included in Appendix A provides more information on the consultation arrangements. Appendix B provides a summary of comments received during the consultation with a note to explain the Council's response and any required changes to the document.
- 1.5. The SPD is a significant material consideration in determining planning applications for the types of development referred to above.
- 1.6. The SPD has been screened to determine whether it requires a Sustainability Appraisal. The screening concluded that such an appraisal was not required since the SPD is simply providing more detail on how an existing set of policies will be operated. A copy of the Screening Statement is included in Appendix C. A summary of the comments from the statutory consultees on the Screening Statement is provided with Appendix B.
- 1.7. The SPD has been subject to an Equality Impact Assessment.

## 2. The Need to Promote and Manage Sustainable Neighbourhoods

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- 2.1. Creating and maintaining sustainable neighbourhoods is a key objective for the Council. Investment in new development must be complemented by management of wider neighbourhoods and the existing housing stock, which will still represent the very large

majority of housing in the Borough even at the end of the Core Strategy's plan period in 2026.

- 2.2. In the Council's view, two key elements of sustainable neighbourhoods are a choice of housing capable of meeting the needs of people with different circumstances and at different stages of their lives; and, linked to this, balanced communities consisting of a range of people of different ages, with different backgrounds and so on.
- 2.3. In achieving this the Borough faces a number of physical, environmental and social challenges, which this SPD is intended to help address.
- 2.4. Blackburn with Darwen has areas of poor quality housing, particularly in the private-rented sector, which accounts for 13% of the total housing stock in the Borough and 20% in inner urban areas. A total of 54% of private-rented properties in the Borough do not meet the Decent Homes standard, a figure which increases to 72% in respect of converted flats. Furthermore the dominance of terraced housing in many parts of the Borough means that there is a limited choice of housing available, and residents may suffer problems such as overcrowding, lack of amenity space, noise and inconvenient or unsafe access. These issues are often increased when dwellings are made smaller through sub-division.
- 2.5. The Borough also experiences substantial pressure to create houses in multiple occupation or HMOs. Although there may be exceptions, the general view, based on observation and stakeholder evidence, is that the majority of Blackburn and Darwen's HMOs, along with the creation of very small dwelling units through the sub-division of terraced houses, are having a seriously detrimental impact on the growth, regeneration, image, attitudes to investment (both inward and local) and sustainability of communities and neighbourhoods where they are concentrated.
- 2.6. The range and impact of issues is complex and inter-related; problems are a result of both the characteristics and lifestyle of the typical HMO or converted flat occupant in Blackburn and Darwen and the impact of the use on property which tends to be poorly maintained and present a poor appearance. Altogether the cumulative effect of these issues/problems has had a destructive impact on the physical environment, social inclusion and economic functioning of both the residential areas where they are located and the town centre. This situation is likely to be exacerbated by further such development in those neighbourhoods and surrounding areas where there high concentrations of this type of dwelling are already established. Many such areas are deprived with community and neighbourhood sustainability already fragile.
- 2.7. It is feasible that a number of HMOs or small converted flats in Blackburn with Darwen are being occupied by young, working households. At a time when owner occupation is unaffordable to many current non-owners, this type of accommodation can represent a rational response to market conditions. However there is an informed view that the typical Blackburn with Darwen resident in an HMO/hostel or sub-divided house, particularly within the inner urban area where the greatest concentrations are located, tends to be a vulnerable person with a chaotic lifestyle who is low paid or unemployed and on benefit. The result of this is an imbalanced community and a breakdown of social cohesion. The transient nature and high turnover of population, many of whom have no connection to Blackburn with Darwen, in such accommodation, undermines community cohesion, neighbourhood sustainability and "civic pride".

- 2.8. There is also evidence of a number of environmental issues including fly tipping and accumulated rubbish; of increased crime and perceptions of crime; and of anti-social behaviour.
- 2.9. The nature of the Borough's housing areas means that all these issues, relating both to HMOs and to the sub-division of housing into self-contained flats, are often concentrated into particular areas. Where this is the case there is significant potential for the character of areas to be fundamentally changed, and for an area's housing choice to be skewed away from family accommodation. This impacts negatively on the image of a neighbourhood and hence on demand, both from potential residents who are in a position to choose where they live, and from developers.
- 2.10. The Council regards this as an undesirable outcome. It is working to address these issues through a range of actions including policies in its recently-adopted Core Strategy aimed at introducing larger housing into traditional terraced areas and at raising demand. This SPD aims to provide the maximum clarity as to how the Council will apply its development plan policies in order to ensure that the evolution of residential areas takes place in a way that supports its overall objectives.

### **3. Development Plan Policy and Good Practice**

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- 3.1. The principal policy that deals with the impact of the introduction of HMOs and of sub-division of houses into flats is saved Local Plan Policy H9. Saved Local Plan Policy HD5, relating to safety and security is also a key consideration.
- 3.2. More generally, the development plan (saved Local Plan policies, the adopted Core Strategy and RSS) must be read as a whole in all cases, and any part may apply to a specific development.
- 3.3. The Council expects developers to follow good practice in all respects, and will consider how best to use its full range of powers to ensure that this is achieved. Following good practice results in a better quality development which is easier to let or sell, creates more durable buildings which require less maintenance in the long term, and benefits the amenity and character of the Borough as a whole.

**POLICY H9 – CONVERSION OF BUILDINGS INTO FLATS AND HOUSES IN MULTIPLE OCCUPATION**

*The Council will allow proposals for the conversion of buildings into flats, bedsits, bed and breakfast and hostel accommodation, provided that:*

- i. the proposal does not erode the amenity of neighbouring properties and the character of the surrounding area;*
- ii. the property is suitable for conversion without the need for any substantial extensions which would have an unacceptable effect on residential amenity and the character of the area;*
- iii. the conversion works comply with the relevant Housing Acts and adopted local policies with particular reference to fitness, personal washing facilities, internal arrangements, space standards and fire regulations, including means of escape;*
- iv. easily accessible garden or outdoor amenity space is provided to serve the needs of residents;*
- v. the site can accommodate the necessary parking and manoeuvring areas in a way which preserves residential amenity and the qualities of the street scene; and*
- vi. adequate refuse collection facilities are provided.*

**FURTHER INFORMATION**

***H9 / i. the proposal does not erode the amenity of neighbouring properties and the character of the surrounding area***

- 3.4. This is intended to safeguard against any detrimental impact to the neighbourhood, including the town centres, from development proposals for the change of use to an HMO or the creation of flats. It is meant to protect both the amenity enjoyed by established residents and businesses and the neighbourhood's distinct character.
- 3.5. In applying H9 / i, the Council will take account of the following issues in relation to amenity and character. Developments which impact unacceptably on these issues will be contrary to this aspect of H9.

**Amenity**

- 3.6. The amenity of an area includes those elements which contribute to a person's (a resident or a visitor, including those people who come to the area to work) or business' overall enjoyment and perceptions of well being. This is influenced by a wide range of interacting factors which contribute to sustainability, of both neighbourhood and community, including those set out below:
- The visual attractiveness of a place including good quality well maintained buildings and surrounding clean and green spaces and streets;
  - High level of community safety;
  - Perceptions of personal safety;
  - Balanced social mix/demographic profile
  - Sense of social inclusion and belonging to a community and neighbourhood;

- Sense of ownership and pride often associated with an established and stable community;
- Provision of and access to a range of local services and facilities that reflect local needs, the function of an area and its social mix for e.g. in a residential area access to GP surgery, a primary school and a range of local shops is important,
- Satisfaction with the area as a place to live or work;
- Positive user experience

3.7. This should not be regarded an exhaustive list. It is intended to provide an indication of the range of elements which contribute to the creation and safeguarding of amenity and as such need to be safeguarded in any consideration of the impact of new development.

### **Character**

3.8. The character of an area is defined by those features which give the area its identity and local distinctiveness, function and role. The two principal character areas covered by this policy and of particular concern in this guidance note include residential neighbourhoods and the town centre.

3.9. Within both of these areas the elements influencing its character include:

- Building form and materials e.g. civic buildings or red brick street terraced family homes;
- Distinct, attractive, clean and safe spaces as the setting for buildings (including houses) and/or to walk through or sit in and enjoy the surroundings;
- Good quality physical fabric including good standards of maintenance on existing building and public realm;
- Good quality development. There is an aspiration that all proposals will provide high quality development;
- Vitality of the place which is very much linked to user experience, image and perceptions. In the town centre for e.g. it is critical for its future sustainability and growth that the character of the place meets both the user and business investor expectations.

3.10. Within residential areas additional features which establish its character include:

- The existence of family housing as the predominant use, along with the facilities and amenities that are associated with such housing
- A stable and balanced social mix including families and cross generation age groups;
- A mix and choice of housing including house type and tenure.
- The perception that the area is a safe one with a minimal threat of anti-social behaviour

### **Cumulative impact**

3.11. The “surrounding area” is regarded as the local neighbourhood which has a similar function/activity to the street where development is proposed and/or supports the neighbourhood.

3.12. It has become apparent from the evidence gathered and from stakeholder and member feedback that a significant impact from HMO or flat conversion development is created in areas where there are existing high concentrations of such developments. This high concentration in itself is undermining neighbourhood amenity and character and is therefore any additions to this already fragile neighbourhood will be a key factor in the consideration of future proposals. On this basis applications for the change of use to an

HMO or conversion to flats cannot be assessed in isolation. It is crucial to look at the cumulative effect of the issues and their impact across the wider neighbourhood.

***H9 / ii. the property is suitable for conversion without the need for any substantial extensions which would have an unacceptable effect on residential amenity and the character of the area***

- 3.13. The supporting guidance in the Local Plan advises that the most suitable properties for conversion will be large detached and semi detached properties. It suggests that applications for the change of use of a terraced property to an HMOs are unlikely to be acceptable due to their small size and the potential detrimental impact on residential amenity enjoyed by established residents as a result of increased noise and traffic.
- 3.14. The 'Blackburn with Darwen Design Guide Supplementary Planning Document' (adopted March 2006) and the 'Residential Design Guide Supplementary Planning Document' (adopted September 2009) provides guidance on Council requirements for the design of extensions and the material considerations which will be taken into account in the review of proposals. A significant number of the material considerations are deliberately intended to safeguard the residential amenity of existing residents.

***H9 / iii. the conversion works comply with the relevant Housing Acts and adopted local policies with particular reference to fitness, personal washing facilities, internal arrangements, space standards and fire regulations, including means of escape***

- 3.15. The issue of whether a conversion complies with the Housing Acts is dealt with by the Council's powers under those Acts.
- 3.16. The Council has adopted a set of local housing space standards, relating to the overall size of dwelling units, as set out below. In applying this part of H9 the Council will consider proposals against these space standards. Conversions that do not conform to these standards will fail the test in saved Policy H9 in this respect.

#### **Local Housing Space Standards**

1. All dwellings that result from conversion or sub-division must meet the Council's minimum space standards as reproduced in Table 1 below.
2. All habitable rooms must have natural light and at least one of the living spaces should receive direct sunlight for part of the day. Living spaces include living / kitchen / dining areas
3. Original residential properties with an internal floor area below 95 sq m cannot be subdivided.
4. Original residential properties with an internal floor area larger than 95 sq m can be converted to two or more dwellings provided the minimum overall dwelling sizes set out in the Council's standard (reproduced below) are adhered to. In some cases this may mean that the property would need to be extended to achieve the minimum dwelling sizes: if this is the case then the Council's policies on extensions and on the size and usability of outdoor space will apply.

- 3.17. The Council will operate its adopted space standards by applying floor-space thresholds based on the size of the **original property** to determine the number of residential units which can be created through conversion or sub-division.

*Calculating the Internal Floorspace of the Original Property*

- 3.18. For the purposes of this document the **original property** is defined as being the property as originally built. Cellars, extensions, and garages are excluded. The measurement of internal floor area, includes everything inside the exterior walls of the **original property**. Roof spaces will not be included within the calculation of internal floorspace unless already converted to a habitable room.
- 3.19. Any internal floorspace area that is included in the original property must have a minimum ceiling height of 2.4 metres to be eligible.

**Table 1 Minimum Dwelling Sizes (sq m)**

Type / Number of bedrooms	Number of people	Minimum Internal Floor Area Flats	Minimum Internal Floor Area Maisonettes and Houses
Studio flat	1 / 2 person	55	
1 bedroom	1 / 2 person	55	
2 bedroom	3 person	67	
2 bedroom	4 person	77	85
3 bedroom	4 person	81	89
3 bedroom	5 person	94	106
3 bedroom	6 person	110	112
4 bedroom	5 person	99	110
4 bedroom	6 person	110	117
4 bedroom	7 person	115	123
5 bedroom	6 person	118	125
5 bedroom	7 person	123	130

*NB1 For dwellings designed for more than seven people add 10 sq m per additional person as a rule of thumb.*

*NB2 These figures do not include spaces shared between dwellings, such as common stairs.*

*NB3 Shared circulation space between any two dwellings is taken to be a minimum of 8 sq m*

*The figures here are based on those used in the London Housing Design Guide and have been adjusted to allow for the space inefficiencies associated with the existing building stock.*

**Ensuring Good Quality Accommodation**

- 3.20. The Council also wishes to ensure that the internal layout and other aspects of proposed HMOs or flat conversions will result in good quality living accommodation for residents.
- 3.21. All proposed developments should adopt the following approaches as good practice. Although internal room sizes would not form a reason for refusal of planning permission in themselves, a development with sub-standard room sizes may be likely to raise other planning objections such as overdevelopment of a plot, or impact on the surrounding area.

*Internal Layout*

- 3.22. Larger rooms and spaces make more properties accessible to more people. 15% of the Borough's households include someone with a physical disability making this a particularly important issue. Generous room sizes and good design also enable greater flexibility of use.
- 3.23. The minimum room dimensions allow adequate space for standard furniture and movement around it, while the figures for the size of the kitchen, dining and living areas have been aggregated to provide flexibility of design.
- 3.24. Within a larger dwelling it can be better to provide living areas as separate spaces rather than open plan to enable different activities to take place without disturbance.
- All rooms within dwellings resulting from conversion or sub-division to meet the minimum space standards set out in Table 2
  - In general minimum dimensions to be adhered to over the whole length of the room
  - All rooms apart from those in the roof-space to have a minimum floor to ceiling height of 2.4 metres
  - All rooms in a roof space with sloping ceilings to have a minimum floor to ceiling height of 2.14 metres (7 feet) over at least half of the measurable floor area. Floor space below 1.52 metres (5 feet) will not count towards the measurable floor area, it can, however, be counted as storage space

**Table 2 Room size standards**

Purpose of room	Minimum area (sq m)	Minimum Dimension (m)
Double / twin bedroom	12	2.7
Single bedroom	8	2
Kitchen		2.3
Living and/or dining areas		2.9

**Table 3 Total Aggregate Living/Dining/Kitchen area (sq m):**

2 Person	25
3 Person	27
4 Person	29
5 Person	32

*Note: For each additional person add 2 sq m*

*Storage & Circulation*

- 3.25. Inadequate ancillary spaces can severely hamper the way in which a dwelling works. Lack of adequate storage space is frequently cited as being a major problem in new homes<sup>1</sup> with one estimate of the floor area necessary for storage being 22% of a property.<sup>2</sup> To create dwellings that work well, unnecessary circulation space should be avoided. To increase the usable life span of a dwelling it should also be adaptable throughout its life to reflect the changing needs of its occupiers.

<sup>1</sup> What Homebuyers Want CABE 2005

<sup>2</sup> The Home Buyers Guide, Ely, 2004

- All converted dwellings to provide a minimum of 5% of their Internal Floor Area for storage (excluding cycle storage)
- Designers to minimise the use of dedicated circulation space wherever possible to make dwellings more space efficient and provide larger living areas
- Consideration of ancillary spaces within dwellings should include:
  - Adequate space for appropriate white goods. Wherever possible washing machines should be placed away from living areas so as to minimise disturbance
    -
  - Adequate space for clothes air drying is important to reduce energy use in the home. Where provided it must be well ventilated and allow occupants to move about freely
- Consideration of appropriate access, movement and facilities within dwellings should include:
  - Ground floor dwellings with level access should provide at least one bathroom and WC that is capable of adaptation to disabled access layout and space standards
  - Circulation spaces in ground-floor dwellings with level access should demonstrate that they allow full wheelchair access
  - Dwellings accessed above ground level should have circulation adequately sized to enable two people to pass

#### *Bathrooms & WCs*

3.26. More bathrooms and WCs are needed as a dwelling's design occupancy increases.

- At least one toilet and bathroom must be immediately accessed from the circulation area of any dwelling
- Habitable rooms that are not bedrooms must not have en-suite facilities

#### *Noise*

3.27. A significant proportion of neighbour disputes brought to the attention of the Council's Environmental Protection team concern domestic noise. To reduce noise transfer problems both within and between dwellings, care should be taken which rooms are beside, above or below each other. Halls, corridors and storage space can be used to absorb sound and act as buffers against sound transmission between and within dwellings.

- In order to minimise noise nuisance between dwellings, rooms with a similar use should be placed next to and above one another (stacking) wherever possible to avoid living and sleeping spaces sharing common walls, floors and ceilings
- Non-habitable rooms such as hallways or storage space should be used as noise buffers between or within dwellings wherever possible
- Building and dwelling layouts should be planned to limit the transmission of airborne and impact sound from common areas

#### *Energy Efficiency*

3.28. Domestic buildings account for 27% of UK carbon dioxide emissions. Of this total around 60% is produced in space heating and cooling, 25% in hot water, and 15% in lighting and appliances.

3.29. Converting older buildings for residential use presents particular challenges in achieving high thermal and energy efficiency performance; it also presents an opportunity for their improvement.

- 3.30. The Council is committed to promoting best practice in terms of thermal efficiency, and the adoption of renewable technologies. Many of the technical issues are covered by Building Regulations but the design of a building plays just as prominent a role in its efficiency. Orientation and size of windows, daylighting and overshadowing all contribute to building's energy efficiency. With the onset of climate change design for thermal comfort must increasingly take account of overheating in summer as well as winter cooling.
- 3.31. Among the sustainability issues the Council will expect to be considered when designing and refurbishing buildings for residential use are the following:
- Insulation and draft proofing
  - Use of appropriate locally sourced, recycled, and carbon neutral materials
  - Appropriate and high quality construction for a long and adaptable building life
  - Adoption of appropriate renewable energy technologies such as Solar Thermal panels
  - Minimising waste during construction
  - Water conservation
  - Impacts on biodiversity
  - Coping with climate change

*Water use*

- 3.32. Whilst there is generally no shortage of potable water in the North West of England, predictions on global warming and increased use of water means we cannot be complacent. The preparation and supply of drinking water also uses between 2-3% of the total electricity used in the UK.
- 3.33. Refurbishment or sub-division of a property creates an opportunity to include water saving methods. These include fitting water conserving taps, low volume shower heads, dual-flush toilets, save-a-flush devices, rain-water and grey water harvesting systems for uses such as toilet flushing. In this way, development can help contribute to water conservation and contribute to sustainable development in our communities.
- Wherever possible new dwellings resulting from the conversion or subdivision of existing buildings to use rain water and grey water harvesting for toilet flushes and other appropriate uses.

***H9 / iv. easily accessible garden or outdoor amenity space is provided to serve the needs of residents***

- 3.34. Each dwelling must have separately accessible, adequately sized outdoor amenity space that is realistically capable of being used by residents, in line with the following requirements:
- In assessing whether an outdoor space “serves the needs of residents” as required by H9 the Council will consider the usability of the space from the point of view of general relaxation with a reasonable degree of privacy, clothes drying and bin storage, along with any other issues as appropriate to a specific case. Outdoor space arrangements with convoluted accesses or whose access may impact on other residents’ privacy will be regarded as failing this aspect of H9. In view of these issues, in general, the sub-division of a rear yard associated with a typical terraced house in Blackburn with Darwen is unlikely to be capable of meeting this aspect of H9.

- All outdoor amenity space provided must be in addition to parking, cycle or waste storage provision
  - All private external amenity space should normally be overlooked from within the dwelling to which it relates
- 3.35. The Blackburn with Darwen Residential Design Guide SPD sets out fuller requirements for outdoor space in relation to residential development or all types.

***H9 / v. the site can accommodate the necessary parking and manoeuvring areas in a way which preserves residential amenity and the qualities of the street scene***

- 3.36. Decisions on levels of parking associated with HMOs and flat conversions will be taken with reference to the Council's adopted parking standards.
- 3.37. In most cases this will mean that the following standards will apply:
- HMOs: 1 space per 2 bedrooms (plus cycle parking, accessible spaces etc as required)
  - Flat conversions: 1 space per single-bed flat (larger flats will attract higher requirements as per the Council's adopted standards)
- 3.38. The policy also requires that parking arrangements be satisfactory in terms of amenity and the street scene: the Council will assess this, along with technical aspects of vehicle movement and so on, on a case-by-case basis.
- 3.39. The Council will also expect developers to follow good practice in relation to cycle storage, such that:
- All dwellings should provide the following minimum storage for cycles:
    - 1-2 bed dwelling: 1 space
    - 3+ bed dwelling: 2 spaces
  - Individual or communal cycle storage inside the dwelling must have easy access to the street
  - Individual or communal cycle storage outside the dwelling must be secure, sheltered and adequately lit, with easy access to the street
  - Cycle storage identified in habitable rooms or on balconies will not be considered acceptable

***H9 / vi. adequate refuse collection facilities are provided***

- 3.40. In all cases the Council will need to be satisfied that outdoor space associated with an HMO or flat development is genuinely sufficient and suitable for the storage of refuse bins and their use by residents.
- Every dwelling must have direct access to adequate space for segregated waste storage for disposal and recycling at the rear of the property within the property boundary
  - Waste storage areas should be accessible to all users and located on a hard, level surface

- Applications for ten or more dwellings within the same building must include a Site Waste Management Plan to be agreed with the Council's Waste Management Team.

#### **POLICY HD5: CRIME PREVENTION**

*Development Proposals should be designed to create a safe and secure environment and to reduce opportunities for crime. Conditions may be imposed to secure crime prevention measures and schemes which fail to take account of the security of people and property or provide opportunities for crime will be refused planning permission.*

#### **FURTHER INFORMATION**

- 3.41. The Council will expect the requirements of this policy to be fully considered in the design of any proposed HMO or flat conversion. In relation to flat conversions this will normally mean that all flats in a building must be accessed via the main front door or another door that leads directly onto a public street. Flats accessed via rear yards will not be considered acceptable.
- 3.42. The Council will also expect consideration to be given to other approaches to designing out crime, such as:
- Creating areas with good passive surveillance
  - 'Soft' security measures should be considered before 'hard' measures such as high walls or cameras
  - Blank facades, undercroft parking, and storage areas should not flank public spaces
  - Dwellings sharing a street entrance should each be provided with entry phones linked to a secure main door and electronic door release
  - Applications for three or more dwellings within the same building should provide a management plan giving arrangements for shared maintenance of external fabric, security, day to day maintenance of communal areas and waste management.

## 4. Appendices

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- A. Statement of Community Involvement.
- B. Summary of consultation responses on the draft SPD and the Sustainability Appraisal
- C. Consolidated Screening Statement on the determination of the need for Strategic Environmental Assessment (SEA) for the Supplementary Planning Document: Houses in multiple occupation, residential Conversions and Sub-divisions.
- D. Adoption Statement.

### Appendix A: Statement of Community Involvement.

The following table provides an overview of the consultation which has been carried within the Griffin area to date and which has informed the development of this SPD:-

Date	Event	Aim	Area Covered
06 February – 05 March 2012	Formal public consultation period on the draft Supplementary Planning Document.	To provide an opportunity for all residents, developers and stakeholders to comment on the content of the SPD.	<p>Notices advising of the consultation and informing people how to comment and where they can access a copy of the draft SPD were published in the local press and on the Council's website; letters were sent to consultees including statutory organisations, and; copy documents were made available for viewing at Blackburn Town Hall, Blackburn Central Library, Darwen Town Hall, Darwen Library and all local libraries.</p> <p>Summaries of all responses received can be found in Appendix B.</p>

The Council is committed to continuing to engage with local residents and all stakeholders as proposals and individual schemes for the regeneration of the neighbourhood are brought forward and progressed.

### Appendix B: Summary of consultation responses on the draft SPD and the Sustainability Appraisal.

Under Regulation 18(4) (b) of the Town and Country Planning (Local Development)(England) Regulations 2004, the Council must produce a statement that sets out a summary of the main issues

raised during consultation and how these issues have been addressed in the adopted version of the Supplementary Planning Document (SPD).

The Council is also required to consult with certain statutory bodies including English Heritage, Natural England and the Environment Agency on the need for a Sustainability Appraisal (SA).

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 which came into force on 06 April 2009 removed the automatic need for a Sustainability Appraisal (SA) of Supplementary Planning Documents (SPDs). The regulations indicate that a SA will be required if a SPD requires a Strategic Environmental Assessment (SEA). SPDs therefore need to be screened to see if they require SEA and the recommendations shared with the statutory consultation bodies identified above for their comment and agreement. The screening statement is attached at Appendix C. Feedback from the consultation with the statutory bodies is included within the following statement. All accepted that an SEA was not needed.

The draft SPD was approved for public consultation at the meeting of the Council's Senior Policy Team (SPT) for Regeneration on 16 January 2012.

The draft Houses in Multiple Occupation and Residential Conversions and Sub-divisions Supplementary Planning Document was published for a four week statutory consultation period from 06 February – 05 March 2012. A notice of the arrangements for the consultation was published in the Lancashire Telegraph and Bolton Evening News, letters were sent to all statutory consultees informing them how to make comment and copy documents were made available for viewing at Blackburn Town Hall, Blackburn Central Library, Darwen Town Hall, Darwen Library, all local libraries and on the Council's website

Following public consultation, any necessary changes were made to the document and the final SPD was adopted by the Council's Executive Board on 12 April 2012.

The table below provides a summary of the comments received through the consultation on both the Screening Statements and the draft SPD:

Organisation	Comments	Officer response to comment	Are amendments needed to the SPD? Is a SA required?
<b>Sustainability appraisal consultation</b>			
Environment Agency	Concur with recommendation in the draft screening statement that an SEA (and therefore SA) is not required.	Noted	No amendments to SPD. SA is not required.
Natural England	Agree with recommendation in the screening statement that an SEA/SA is not required.	Noted	No amendments to SPD. SA is not required.
English Heritage	Concur with the Council's in the draft screening statement that the preparation of a Strategic Environmental Assessment is not required.	Noted	No amendments to SPD. SA is not required.

Organisation	Comments	Officer response to comment	Are amendments needed to the SPD? Is a SA required?
<b>Draft Supplementary Planning Document consultation</b>			
Rebecca Hay for Darwen Town, Habergham Eaves and Old Laund Booth Parish Councils	Confirmed support for the SPD.	Noted	No amendment to the SPD required.
Philip Carter, Planning Liaison Officer, Environment Agency (EA)	EA confirmed they were pleased to see sustainability issues (energy efficiency and water use) included in the SPD. They particularly support the inclusion of paras 3.28 and 3.33.	Noted	No amendment to SPD required.
Paula Fitzgerald, Principal Planner, Hyndburn Borough Council	Confirmed the authority had no comments.	Noted	No amendment to SPD required.
Private landlord/property consultant in Blackburn	<p>Not happy with the local housing space standards included in the SPD. Would have preferred the space standards for flats to be lower as detailed in the RIBA Metric Handbook for Planning and Design.</p> <p>Felt the reduced requirement would enable a greater amount of self-contained affordable accommodation to be provided to meet increasing need, particularly for those people (mostly under 35s) affected by recent government changes (reduction) in housing benefit.</p> <p>Message included a number of general comments on conversions to flats and the high number of recently established HMOs which in some cases are having a detrimental impact on local communities.</p>	<p>The RIBA standards are advisory, contradict Council policy and could not be taken into account in determining planning applications.</p> <p>Noted</p> <p>Noted</p>	No, amendments not considered appropriate.

**Appendix C: Consolidated Screening Statement on the determination of the need for Strategic Environmental Assessment (SEA) for the Supplementary Planning Document: Houses in multiple occupation, residential Conversions and Sub-divisions.**

*Consolidated Screening Statement on the determination of the need for Strategic Environmental Assessment and / or Appropriate Assessment for the Supplementary Planning Document: Houses in Multiple Occupation and Residential Conversions and Sub-Divisions  
January 2012*

**1. Introduction:**

**Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009**

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 came into force on 06 April 2009. This change to legislation in England removed the automatic need for a Sustainability Appraisal (SA) of Supplementary Planning Documents (SPDs). An explanatory note from the Office of Public Sector Information<sup>3</sup> confirms that a SA will still be required if an SPD requires Strategic Environmental Assessment (SEA). The note states:-

“LPAs will still need to screen their SPDs to ensure that legal requirements for SA are met where there are impacts that have not been covered in the appraisal of the parent DPD or where an assessment is required by the SEA Directive”.

**The Conservation of Habitats and Species Regulations 2010 and EC Directive 92/43/EEC (the “Habitats Regulations”)**

The Habitats Regulations require policies to be screened to consider whether they have any significant impacts on designated habitats of European importance (“Natura 2000 sites”).

**2. The Supplementary Planning Document (SPD)**

The SPD will form part of the Council’s suite of planning policies, termed the Local Development Framework or LDF. It sets out additional detail on how the Council will apply two “saved” policies from its Local Plan: H9 “Conversion of Buildings into Flats and Houses in Multiple Occupation” and HD5 “Crime Prevention”. In relation to saved Policy H9 it expands on each of the criteria contained within the policy, explaining the Council’s approach and the issues it will take into account in applying the policy. In relation to saved Policy HD5 it sets out extra detail in relation to one specific issue.

The SPD does not itself propose any development or include any information on specific sites.

**3. The SPD within the plan hierarchy**

The SPD will be at the bottom of the plan hierarchy below the saved Blackburn with Darwen Local Plan policies and the Core Strategy. It supplements and interprets the policies in these documents.

The SPD does not (and cannot) create new policy in its own right.

<sup>3</sup> Office of Public Sector Information (2009) Explanatory Memorandum to – The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 No.401

#### 4. The screening process: Sustainability Appraisal

The screening process as set out in Regulation 9 and Schedule 1 of the Regulations includes two sets of criteria for determining the likely significance of effects on the environment. These relate to firstly the characteristics of the SPD and secondly the characteristics of the effects and of the area likely to be affected. There are criteria and questions relating to each of these which are set out in the following tables:-

**Table 1: Characteristics of the SPD**

1.	Criteria	Is there an effect?	Significant environmental effect?	Justification
(a)	The degree to which the SPD sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources	Yes	No	The SPD is at the lowest end of a hierarchy of plans below the saved policies of the Blackburn with Darwen Borough Local Plan and the Blackburn with Darwen Core Strategy.
(b)	The degree to which the SPD influences other plans including those in a hierarchy	No	No	The SPD is the lowest tier of the hierarchy as set out above. As such it is influenced by them but does not have any significant influence on them.
(c)	The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development	Yes	No	The SPD will have some influence on the nature of new residential development that is created, including the amount and usability of private outdoor space. It may therefore have some positive impact on human health. However the limited number of cases to which the SPD will apply, and the fact that the relevant requirements are principally contained in higher-level plans, mean that the SPD will not itself have a "significant" effect on this issue.
(d)	Environmental problems relevant to the SPD	Yes	No	Most of the issues addressed by the SPD are social rather than environmental.  Where the SPD relates to environmental problems this is in the context of the hierarchy of plans set out above. In its own right it does not have a significant effect on environmental considerations.
(e)	The relevance of the SPD for the implementation of Community (EC) legislation on the environment (e.g. plans and programmes linked to waste management or water	No	No	The SPD does not propose any development. The principle of development on any given site is determined in the first instance by the higher level Development Plan.

1.	Criteria	Is there an effect?	Significant environmental effect?	Justification
	protection)			

**Table 2: Characteristics of the effects and of the area likely to be affected**

2.	Criteria	Significant environmental effect?	Justification
(a)	The probability, duration, frequency and reversibility of the effects of the SPD	No	The SPD will have no direct environmental effects.
(b)	The cumulative nature of the effects	No	It is expected that the SPD will contribute to a gradual cumulative improvement in the quality of residential design and diversity of housing within the urban area in the Borough.  However, as the lowest level in the plan hierarchy, the SPD will not itself be the primary driver of this.
(c)	The transboundary nature of the effects of the SPD	No	There are no trans-boundary issues across Member States.
(d)	The risks to human health or the environment (e.g. due to accidents)	No	The SPD creates no risk to health or the environment.
(e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD will apply to isolated developments principally within the urban area of Blackburn and Darwen.
(f)	The value and vulnerability of the area likely to be affected due to:- i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit values; or iii. Intensive land use;	No	The SPD will not have any effect on valuable or vulnerable assets. It does not affect the protection that is already afforded to these assets by other policies.
(g)	The effects on areas or landscapes which have a recognised national, EU or international protection status	No	The SPD will have no effect on landscapes or areas of open land.

## **5. Statement of Determination of the need for Strategic Environmental Assessment / Sustainability Appraisal**

### **Determination of the need for SEA**

It is considered that Strategic Environmental Assessment is not required for the Supplementary Planning Document: *Houses in Multiple Occupation and Residential Conversions and Sub-Divisions* for the reasons set out in section 4 above.

### **Consultation with statutory bodies**

The following organisations have been consulted and all agreed with the recommendation in the Statement of Determination that a Strategic Environmental Assessment is not required for the Supplementary Planning Document: *Houses in Multiple Occupation and Residential Conversions and Sub-divisions*.

Environment Agency

English Heritage

Natural England

## **6. The Screening Process: Habitats Regulations**

Blackburn with Darwen's Core Strategy has already been subject to a Habitats Regulations screening exercise which concluded that no Appropriate Assessment was needed for the Core Strategy. The only potential significant effect identified arose from the potential development of specific sites which may have been used by birds migrating to a Natura 2000 site outside the Borough. The screening report concluded that this was best addressed in relation to the Site Allocations and Development Management Policies Development Plan Document which will follow the Core Strategy.

## **7. Statement of Determination of the need for Appropriate Assessment of the SPD**

The SPD does not propose the development of any site. It is concluded that the requirements of the Habitats Regulations are adequately addressed by the screening carried out in relation to the Core Strategy, and that which will take place in relation to the allocation of specific sites in the Site Allocations and Development Management Policies DPD.

## **Appendix D: Adoption Statement**

### **Planning and Compulsory Purchase Act 2004**

### **The Town and Country Planning (Local Planning)(England) Regulations 2012 (SI 2012 No. 767)**

### **Houses in Multiple Occupation and Residential Conversions and Sub-divisions Supplementary Planning Document**

In accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012 No.767) Blackburn with Darwen Borough Council adopted the Houses in Multiple Occupation and Residential Conversions and Sub-divisions Supplementary Planning Document on 12 April 2012.

Under Regulation 11 and the following paragraphs of the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012 No.767):-

Para 2 (b) no modifications were made to the SPD pursuant to section 23(1) of the Planning and Compulsory Purchase Act 2004;

Para 2(c) any person with sufficient interest in the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD;

Para 2(d) any application for a judicial review must be made promptly and in any event not later than three months after the date on which the SPD was adopted.