

REPORT OF THE DIRECTOR **Plan No: 10/17/1142**

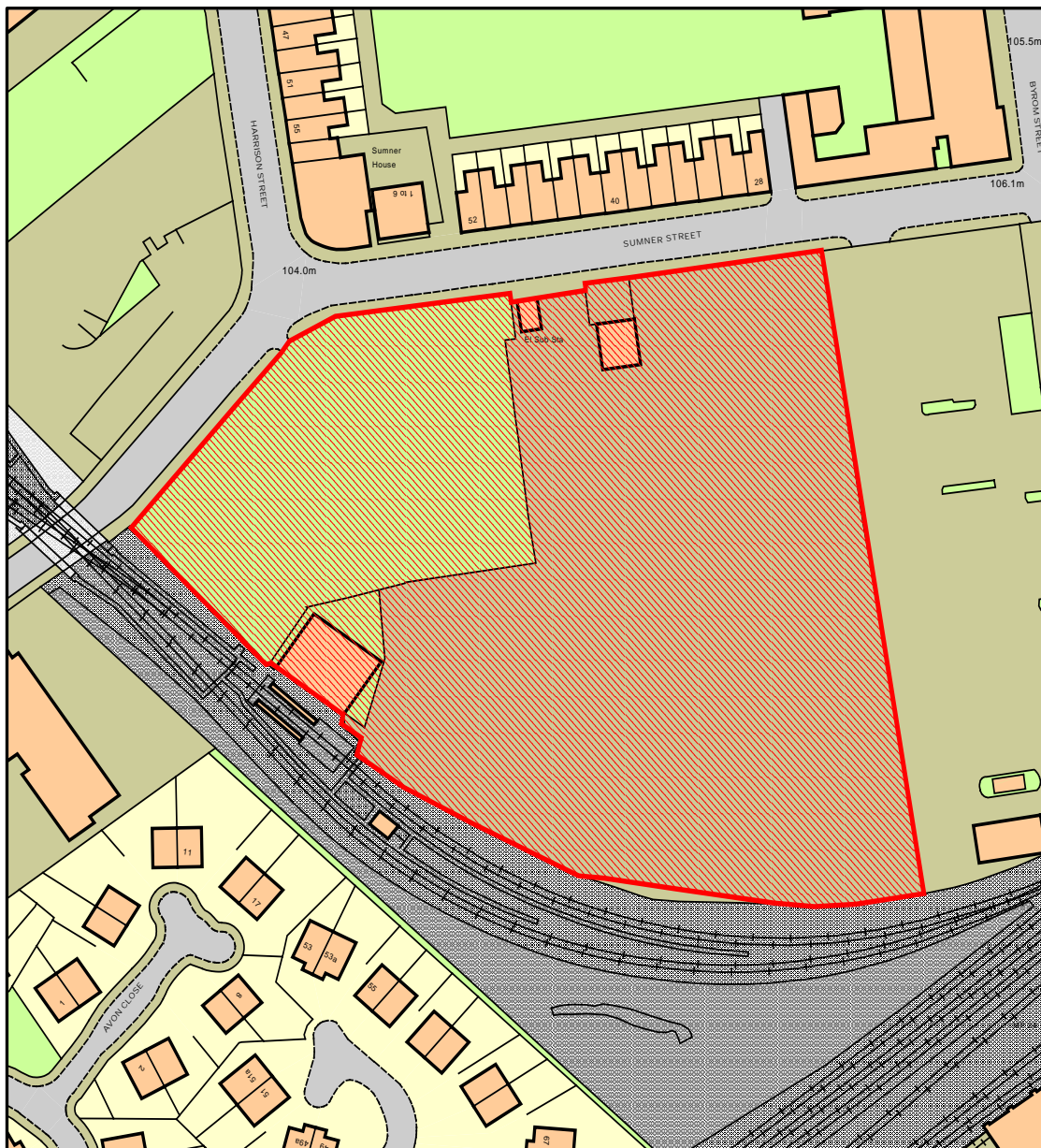
Proposed development: Full Planning Permission for demolition of existing building and the erection of a school and further education college with associated parking and landscaping.

Site address: Former Cattle Market, Sumner Street, Blackburn, BB2 2LD

Applicant: Wates Construction

Ward: Wensley Fold

Councillor Dave Harling	
Councillor Mohammed Khan O.B.E.	
Councillor Quesir Mahmood	



1.0 SUMMARY OF RECOMMENDATION

1.1.1 APPROVE – subject to additional highways information and recommend conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 The proposal will deliver a modern High School development which will support the Borough's aspirational aims of raising the education attainment level currently achieved across Blackburn and Darwen. It supports the Borough's planning strategy for community hubs as set out in the Core Strategy. The development will also see the re-development of a derelict brownfield site within a defined Inner Urban Area which is supported by Local Plan Part 2 Policy 2.

2.1.2 The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through the recommended planning conditions.

2.1.3 The key issues to be addressed are as follows:

- Development Plan designation & principle of development
- Site layout and design issues
- Impact on amenity
- Highways & transportation
- Drainage and flood risk
- Ecological considerations

3.0 RATIONALE

3.1.1 Site and Surroundings

3.1.2 The application site is located within the urban boundary of Blackburn. It comprises an irregular parcel of land previously in use as an abattoir and animal feed suppliers. Access to the eastern portion of the site is currently taken from Sumner Street, with access to the western area of the site taken from the junction of Sumner Street and Galligreaves Street.

3.1.3 The site is bounded to the south by network rail railway sidings which following a prior approval application approved under 10/16/0531 are now understood to be back in full use. To the east by a British Telecoms' vehicle depot, and to the north by Sumner Street with residential properties lining the north side of the road. The area generally is characterised as mixed development, comprising employment units and residential properties.

3.1.4 The topography of the site sees the levels fall gradually from east to west in the region of 4m to a low point to the North West Corner at which point the site falls within the designated flood zone (Zone 2).

3.2 Proposed Development

3.2.1 Planning permission is sought for the construction of a Boys High School which will be set over a three storey main school building (6580sqm) positioned within the centre of the site with a single storey linking element, to a four court sports hall (594sqm) located to the west of the site and adjacent to a new Energy Centre.

3.2.2 The application proposes a number of external features including a 3G MUGA adjacent to the playground in the south east corner of the site enclosed by a 5m high weldmesh fence. At the eastern edge of the playground is an area for teaching/socialising. An allotment garden for use by the pupils is also proposed on the west edge of the site.

3.2.3 The school will cater for up to 800 pupils which includes 200 sixth form places. The new facilities will also be available outside of school hours for community use as detailed in the table below:

Facility	User	Time in Use	
		School Day	Weekends and Holidays
Sports Facilities	Community	17:00 – 21:00	09:00 – 21:00
Specialist Technology Rooms	Community	17:00 – 21:00	09:00 – 21:00
Library and Classrooms (enrichment – students and teachers only)	Students and teaching staff	17:00 – 21:00	09:00 – 21:00
School Hall and Canteen (events hire)	Community	NA	09:00 – 21:00

3.2.4 Boundary treatments will see the introduction of railings and planting along the Sumner Street frontage with the existing masonry brick wall being retained along Galligreaves Street. The southern and eastern boundaries of the site will be secured by a 2.4m weld mesh fence. Surface construction will be a combination of tarmacadam, paving and reclaimed cobbles. The application is also accompanied by a landscaping plan to be introduced across the site.

3.2.5 Pedestrian access to the site is to be from Sumner Street through automatic gates. Upon entry users will proceed down a wide bound path over a raised table made up of cobbles reclaimed from the site. This is a shared surface where cars enter the staff and visitor parking bays.

3.2.6 Vehicular access is via a one-way looped system through the site with staff parking in the main area and visitor parking to the west of the site. There are 42 staff spaces and 10 visitor bays. There are 4 disabled spaces located adjacent to the visitor parking with safe, vehicle free access to the main and community entrances. Coach and minibus drop-off and waiting areas are provided with vehicle free access for students from the entrances to the school. There is provision for 80no. cycle spaces including for staff/visitors.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14).

3.4.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Promoting sustainable transport;

7. Requiring good design
8. Promoting healthy communities; and
10. Meeting the challenge of climate change, flooding and coastal change.

3.4.3 The 'Policy statement – planning for schools development' (2011) is also relevant to this application. This paper sets out a commitment to support the development and delivery of state-funded schools through the planning system. Furthermore the policy paper refers to the Government's belief that the planning system should operate in a "positive manner" when dealing with proposals for the creation, expansion and alteration of state funded schools. Finally, the policy paper sets out the following principles:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions
- Local authorities should make full use of their planning powers to support state-funded schools applications
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in the NPPF and NPPG
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

3.5 Assessment

3.5.1 Principle of the development

The application lies within the Inner Urban Area, not otherwise allocated; as defined on the Adopted Policies Map of the Local Plan Part 2. The principle of the development is, therefore, accepted, in accordance with Local Plan Policies and The Framework's presumption in favour of sustainable development, which should proceed without delay and its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

Design and Layout

- 3.5.2 Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF which seeks to secure high quality design.
- 3.5.3 A detailed Design and Access and Planning statement accompany the application and submitted drawings. They each set out the key design principles which are taken forward in the application proposals design response, reflecting not only the policy requirements but the comments given by officers as part of pre-application discussions. These design driver considerations include:
- Site context of the surrounding area
 - Scale and massing
 - Elevations and materials
 - Sense of arrival
 - Internal arrangement
 - Community access
 - Site access and use
 - Hard and soft landscaping
 - Security and operation
 - Servicing of the site
 - Flood risk; and
 - Sport assessment
- 3.5.4 The main teaching building has a modern flat roof design incorporating a mesh screen in front of the plant room. The building is constructed of brick with a simple glazing pattern across each floor. A detailed weave pattern and soldier coursing sections of brick has been incorporated into the finish of the building to add character and break up visual massing. This design approach ensures it sits well within the context of the area and matches the materials used on residential properties along Sumner Street.
- 3.5.5 The sports hall will have a contrasting set of materials and be clad in profiled metal above ground floor level in the Tauheedul brand colours (Purple) to provide a complimentary feature distinct from the main school building. The link extension between the main building and sports hall incorporates a mix of matching red brick and glazing to blend the buildings together at street level.
- 3.5.6 The proposal is considered to be well designed, forming a sympathetic yet contemporary addition to the surrounding area. Construction materials are key to the design, and it is considered important to

ensure that those used are sympathetic to the surrounding area so as not to compromise the overall appearance of the locality. As such, a condition requiring material samples to be submitted is recommended.

- 3.5.7 With regards to external space, the development has been designed to provide suitable recreational and sports facilities required for modern school developments. The Council's Education Department consulted on the application and has offered no objection in this respect.
- 3.5.8 High quality landscaping is an important feature of this proposal and the applicant has submitted a landscaping scheme covering both hard surfacing and planting areas. These matters are considered further in the ecology section of the report.
- 3.5.9 In summary of the design and layout proposed with the application, the comprehensive details submitted are considered to demonstrate, that the school buildings, infrastructure and landscaping accords with the provisions of the relevant policies of the development plan.

3.5.10 Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would 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, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

- 3.5.11 The Council does not have any prescribed minimum separation distances between dwellings and community buildings, such as schools. However, minimum distances of 21m between habitable room windows are identified within the Residential Design Guide SPD. A figure that can be revised upwards by 3m if there is a substantial difference between building heights or levels.
- 3.5.12 Separation to dwellings on Sumner Street is at an oblique angle with the nearest residential property at 25m away. This distance is sufficient to minimise any dominance, light loss, overshadowing or privacy impacts from the buildings proposed. There are not considered to be any other nearby receptors that would suffer any unacceptable amenity impacts from the introduction of the proposed structures.
- 3.5.13 The development will increase general noise and disturbance in the locality. This is likely be from pupils, community users, associated traffic movements including the drop off/ pick up of students or noise from external social areas within the development. These impacts are of a more sporadic nature and not a constant source of noise/ disturbance, being limited to specific periods of the day such as drop off/ pick up times, break times and evening/weekend community use. The external spaces have been located to avoid sensitive receptors

were possible to limit potential noise disturbance as advised at pre-application discussions.

- 3.5.14 The application has been accompanied by a noise impact assessment which has been reviewed by the Council's Public Protection Team. Following discussions on external background noise levels a condition restricting noise levels from the school to of 55dB(A) Leq (1hr.) at the boundary of any residential premises garden or outdoor amenity space and 55dB(A) Leq (1hr) and 60dB(A) $L_{max,F}$ (free field) at the façade of any dwelling has been recommended.
- 3.5.15 The application is accompanied by an external lighting plan and obtrusive light report, detailing the proposed lighting of the site. These supporting documents have been reviewed by Public Protection Officers and conditions to control potential light intrusion are recommended. The conditions will permit external flood lighting to 21:00 and restrict light spillage levels.
- 3.5.16 Other recommended conditions to safeguard the amenity of future occupants of the site and those existing residents in the area include standard land contamination conditions, noise and vibration controls, hours of construction condition and a dust control condition.
- 3.5.17 Subject to no objection being raised from the Council's Public Protection Team in relation to noise, the scheme is considered compliant with the development plan and can be adequately controlled by the recommended conditions.

3.5.18 Highways

Local Plan Part 2, Policy 10 sets out that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced; that appropriate provision is made for vehicular access, off street servicing and parking, in accordance with the Council's adopted standards and that the needs of disabled people should be fully provided for, including those reliant on community transport services. The policy also requires submission of a supporting Transport Assessment (TA) for proposed development that has the potential to significantly affect existing transport systems.

- 3.5.19 A Transport Assessment (TA) and drawings accompanied the submitted application and have been reviewed by Highways and Transport colleagues. The assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions and trip generation. This allows an assessment to be made as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of the proposed development.

- 3.5.20 The applicant's TA offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development and that whilst there will be some time specific impacts upon the surrounding highway network it would not be to the detriment of road safety or the safe, efficient and convenient movement of all highway users.
- 3.5.21 The applicant's report concludes that the site is located with an area well served by public transport and student catchment will likely see 95% of students living within a 5 km radius based upon a travel survey undertaken by the school at their existing premises.
- 3.5.22 Capita Highways appraised the submitted TA and whilst no objection has been raised a request for additional information was requested to be incorporated into a Travel Plan. As such, a condition requiring the submission of a Travel Plan within the first 6 months after full occupation of the site, utilising the baseline travel survey conducted 3 months after full occupation has been recommend.
- 3.5.23 The Council's Highways Officer has reviewed the accompanying documents and drawings and offers no objection in principle subject to further information/clarification on operational site management and reinstatement of the footway adjacent existing openings. Outstanding matters relating to the highways and pedestrian operation of the site will be addressed through an update report.

3.5.20 Drainage and flood risk

Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding and impact on environmental assets or interests, including habitats, species and trees.

- 3.5.21 Following review of a supporting Flood Risk Assessment, no objection has been offered by the United Utilities, The Environment Agency or the Council's Drainage team; subject to application of conditions to manage surface water drainage, in order to reduce the risk of flooding and pollution to the watercourse.

3.5.22 Ecology

Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

- 3.5.23 An Ecology Appraisal has been submitted and fully appraised by Capita Ecology. The findings of the report identify the site contains habitats typical of brownfield sites in urban areas such as, neutral grassland, scattered scrub and trees, earth bunds and vegetation. Given, the existing features on site there is potential for this

development to create a net loss of biodiversity and could negatively impact local populations of invertebrates, breeding birds and foraging bats.

3.5.24 The findings of the report identified that impact to protected species, such as bats or nesting birds, is low recommending that site clearance be undertaken outside of the bird nesting season and precautionary measures for the protection of protected/ priority species during construction.

3.5.25 Subject to the use of planning conditions relating to working practices, invasive species control, bat and bird boxes and a final landscaping plan to be agreed, the overall impact of the proposed development is considered to accord with Policy 9 of Local Plan Part 2.

3.5.26 Summary

This report assesses the full planning application for the proposed High School, Further Education College and associated work. In considering the proposal, a wide range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

4 RECOMMENDATION

4.1 **Approve subject to additional highways information and conditions which relate to the following matters:**

- Commence within 3 years.
- Materials to be submitted and implemented
- Travel Plan to be submitted within 6 months of occupation
- Siting and appearance of boundary treatment to be agreed
- Invasive species (*Cotoneaster horizontalis*) removal method statement to be agreed.
- Biodiversity Enhancement Strategy for the school site to be agreed and incorporated into the landscape plan
- Development to be undertaken in accordance with the recommendations set out in section 6.2 of the TEP Ecology Report for nesting birds
- Scheme to be agreed for installation and location of Bat and Bird boxes
- Landscaping management and maintenance plan to be agreed and implemented
- Noise Control condition
- Boiler emissions limit of 40mgNO_x/kWh
- Foul and surface water to be drained on separate systems
- Water drainage scheme to be implemented and maintained in accordance with the Drainage Strategy prepared by Mott MacDonald dated 1/9/2017.

- Site investigation for culverted watercourse
- Land contamination
- Flood lighting hours of use restriction
- Light pollution control
- Restriction on times of community use
- Limitation of construction site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Dust management plan to be submitted and implemented
- Approved details and drawings

5 PLANNING HISTORY

5.1 No relevant planning history exists.

6 CONSULTATIONS

6.1 Arboricultural Officer
No objection subject to landscaping plan in accordance with Ecology Officer comments.

6.1.2 Education Department
No objection

6.1.3 Environment and Leisure
No objection

6.1.4 Local Authority Drainage
No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of surface water drainage and condition relating to potential culverted water course.

6.1.5 United Utilities
No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of surface drainage.

6.1.6 Environment Agency
No objection.

6.1.7 Public Protection
Amenity
No objection. Recommended conditions:
Control of light intrusion into residential properties

Contaminated Land

The applicant has submitted a study, though it is recommended that a condition for a remediation strategy for land contamination be applied should the scheme be supported.

6.1.8 Highways

No objection in principle subject to clarification on matters relating to:

- Parking
- Servicing
- Offsite Highway Works

6.1.9 Travel Planning Officer

Detailed comments were provided, welcoming the travel planning proposals and suggesting small amendments. A condition on requiring a Travel Plan to be submitted within six months from the first occupation of the development has been requested.

6.1.10 Lancashire Constabulary

No comments received.

6.1.11 Network Rail

No objection to subject to conditions on development adjacent the railway boundary and informative conditions.

6.1.12 Ecology

No objection, subject to appropriate mitigation measures, compliance with submitted Ecological Assessment and submission of Biodiversity Enhancement Strategy

6.1.13 Public Consultation

93 surrounding properties were consulted by letter, consisting of commercial and residential and a 2 site notices were displayed. Ward Councillors were also consulted.

6.1.14 A petition 96 signatories received. The material planning considerations referred to in the petition are summarised as follows:

- There is already an existing secondary school, within a short distance of the site that causes traffic congestion.
- In addition, there are a number of other commercial/industrial businesses operating in the area that generate high volumes of traffic and obstruct access for vehicles and pedestrians.
- The proposal is located within close proximity to bail hostels which already create anti-social behaviour. There is also a retirement complex and assisted living units close to the site.
- There would be an increase in litter giving rise to a negative impact on the environment.

7 CONTACT OFFICER: Alec Hickey, Senior Planner

8 DATE PREPARED: 08th December 2017.

9.0 SUMMARY OF REPRESENTATIONS

Petition – 96 signatures

Date. 1 October 2017

Planning Application No. 10/17/1142

The Current Tauheedul boys school is situated close to the motorway network at shadsworth, this allows traffic to disperse quickly and efficiently onto major A roads and the motorway network. They state that their pupils attend from all over East Lancashire The current proposed site is in the middle of an industrial estate and populated residential area. The roads around this area are only narrow and we feel there is already enough traffic using them. The proposed area has a new railway yard, 2 scaffolding businesses the fire station, BT's yard, several warehouse and good's units not to mention car sales, car repairs and car wash sites. Most of these businesses have HGV's travelling up and down Sumner st daily. The new rail yard is not yet open and as of yet we do not know what traffic will be using the depot. The increased traffic congestion and parking from another large school is going to disrupt the whole infrastructure of the area as well as possibly causing an increase in antisocial behaviour, litter and will have a negative effect on the environment that we live in.

We are therefore lodging an objection on the above mentioned grounds.

St Wilfrids has approx 1500 pupils and is currently building an extension. Duckworth st is blocked almost daily by parents and school transport parking up, not to mention the nearby offices and business traffic. At certain times of the day the surrounding roads are completely impassable with the local buses and traffic unable to move. During the day there are several cars parked on pavements and corners forcing pedestrians into the road. There is also a problem with speeding vehicles in the area. You only have to walk down Canterbury st, Byrom st and Duckworth st to see many vehicles already parked on pavements obstructing motorists views and causing pedestrians to walk in the road.

The proposed site is located near to several bail hostels and the red light district which causes increased anti-social behaviour to our area. We also have a retirement complex in the area (spinneyside) as well as 3 blocks of assisted living units on our estate.

Print Name	Ad
MARY LAYERS	5
M. HUNT	5
E. J. HIGGINS	5
L. A. GUEST	29
A. ALLAN	6
Edward S. STEK	
ANN HENRIEVE	1
M. DUCKWORTH	1
J. MAUDSLEY	1
B. MAUDSLEY	1
m. #. J. J. J.	27
MR. MRS. CALLAGHAN	
~	
J. HOLDEN	26
MRS. MRS. WHALLEY	20
"	
A. ROBINSON	3
J. J. J. J.	3
G. BENSUAW	20
J. BOOTH	19
R. BOOTH	19
M. WALSH	19

M. CHARNEY	24 SPINNEYSIDE
B. TAYLOR	31 SPINNEYSIDE
L. DEVINE	8 SPINNEYSIDE
J. WEBBER	7 SPINNEYSIDE
B. SUTCLIFFE	33 SPINNEYSIDE
R. SHORROCK	14 SPINNEYSIDE
P. SHORROCK	14 SPINNEYSIDE
I. HARRISON	25 SPINNEYSIDE
K. CADE	21 SPINNEYSIDE
S. HENNIGAN	16 SPINNEYSIDE
N. SHORROCK	9 BYRON TERRACE
R. BROOKERS	23 SPINNEYSIDE
R. McLEAN	12 SPINNEYSIDE
J. RILEY	9 SPINNEYSIDE
M. FISHER	3 SPINNEYSIDE
S. EATON	217 DICKINSON CLOSE
M. WALLBANK	222 DICKINSON CLOSE
T. CONNOR	137 FAWCETT CLOSE
J. BARNES	137 FAWCETT CLOSE
Michael	228 DICKINSON CLOSE
CATHRINE	228 DICKINSON CLOSE
S. WALLBANK	134 FAWCETT CL

MATTHEW NEWTON	275 TAYLOR CLOSE B, Burn
AGNETHA Paynton	274 TAYLOR CLOSE B, Burn
Pamela Newton	275 Taylor close
nathan chapman	275 Taylor close
Cheryl Newton	277 Taylor close
JUNE NEWTON	233 Taylor close
Michael Newton	277 Taylor close
Jamie chapman	245 Taylor close
A. Wolf Dant	81 Roebuck Close
Emma White	102 Heatley close
KATY SHARP	261 Taylor close
Jason	102 Heatley close
Kristy	132 FAWCETT CLOSE
EMMA WHITE	132 FAWCETT CLOSE
A. S. Clark	155 FAWCETT CLOSE
K. C. DILINSKA	155 FAWCETT CLOSE
MONIKA K	138 FAWCETT CLOSE
LUCAS K.	138 FAWCETT CLOSE

Print Name	Address
W A SIMPSON	135 FAWCETT CLOSE
R A PICKERING	136 FAWCETT CLOSE
B. Mcleary	135 fawcett close
C. Mulleney	135 fawcett close
H. Kenyon	fawcett close
V Mulleney	135 fawcett close
J. mulleney	135 fawcett close
S Knight	43 Shakespeare way
K Knight	43 Shakespeare way

Print Name	Address
Courtney	119 Heatley close
Amy Dean	47 Lawrence st
Dean	141 Fawcett close
Tina	56 Roebuck close
Paul	56 Roebuck close.
Kath	95 Roebuck close
R. Currie	95 Roebuck close
L. Puse	177 Dickerson close
P. Roney	131 Heatley close
B. HOLDEN	141 Fawcett close

PRINT NAME	ADDRESS
R. NICKLIN	12. HAVELOCK CLOSE
A. HARRIS	10 — " —
J. DANIELEWSKA	86 — " —
D. DANIEL	64 — " —
A. BERN.	2 2 — " —
K. Mann	10 — " —
T. Cannolly	12 — " —
"	17. — " —
B. CHAMBERS	15. — " —
J. Dean	11 — " —
BARRY WAREDES	8 — " —
KRISTOF SUPRUN	7 — " —
	5 B. H. — " —
Andrew Mitchell	3 — " —
Michelle Marsden	3 — " —
Jules Hanson	1 — " —
Sandra Hume	1 — " —
Kirsty Maynard	1 — " —
ROBERT MANMAN	10 " " " "
	9 NOT AVAILABLE
Pace Mervin	16

