

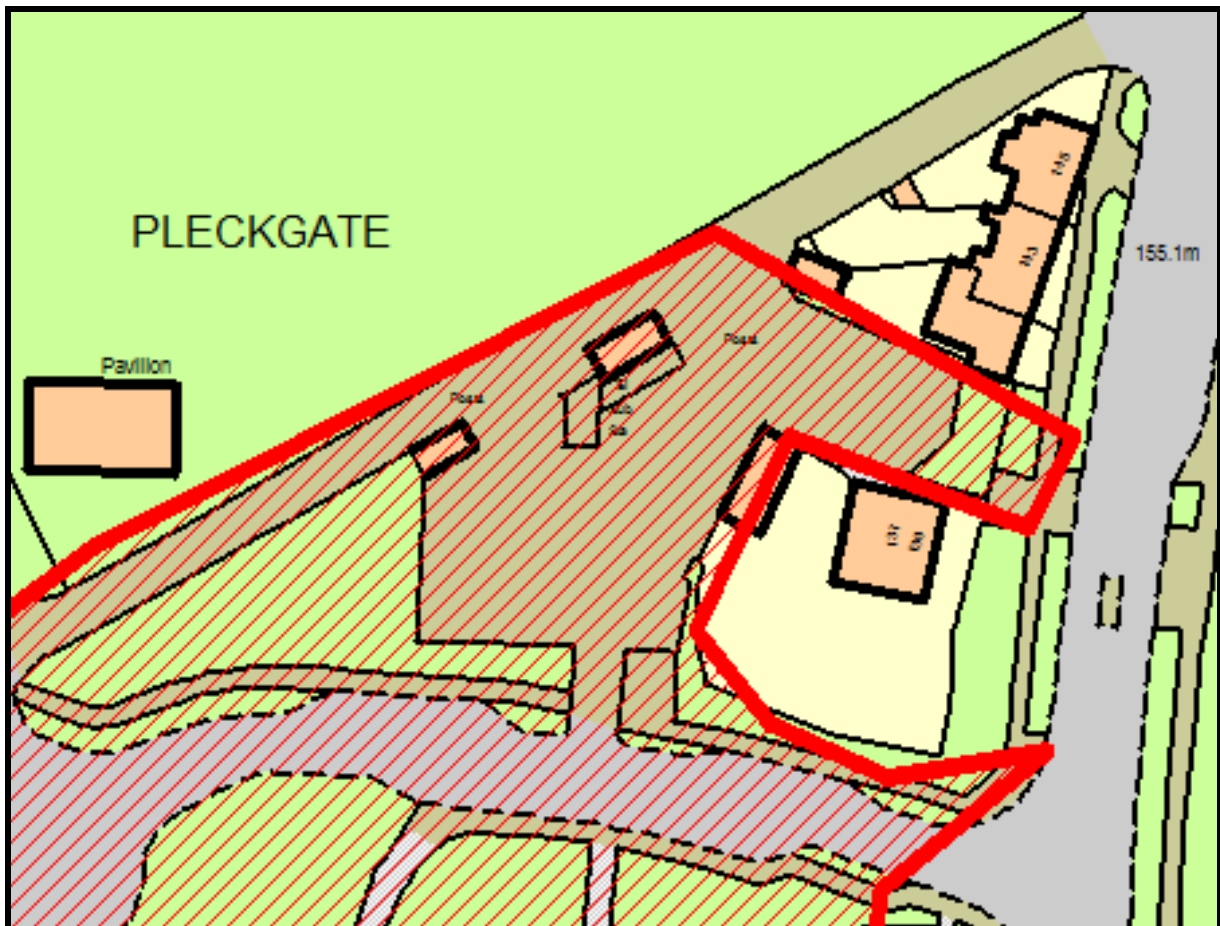
Proposed development: Variation of Condition No.43 pursuant to planning application 10/09/0895 - retention of the car park layout and landscaping to the south/south-west of Nos 141-145 Pleckgate Road

**Site address:
Pleckgate High School
Pleckgate Road
Blackburn
BB1 8QA**

Applicant: Pleckgate High School

Ward: Roe Lee

Councillor Phil Riley	
Councillor Sylvia Liddle	
Councillor Ron Whittle	



1.0 SUMMARY OF RECOMMENDATION

1.1 The planning application is **recommended to be approved** planning permission, subject to application of the conditions as stated in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The planning application, submitted under Section 73 of the Town and Country Planning Act 1990, is presented to Committee, as a proposed amendment to a development previously approved by the Committee in December 2009 under the Chair Referral Process; in accordance with the Scheme of Delegation.

2.2 The amendment considers the retention of the car park layout and landscaping to the south/south-west of Nos 141-145 Pleckgate Road.

2.3 The key issues to be addressed are as follows:

- Impact of the development upon neighbouring residential amenity
- Highways and transportation impact

2.4 Careful consideration has been applied towards the impact of the amendment against neighbouring residential amenity, adequacy and safety of parking provision.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The wider site is located within a predominantly residential area bound by Pleckgate Road to the east and Ramsgreave Drive to the North, Blackburn Northern Sports Club adjoins the site to the north, housing to the north, east and west and open fields to the south. The elevated and open nature of the site and surrounding land afford long distant views to significant natural features such as Pendle Hill.

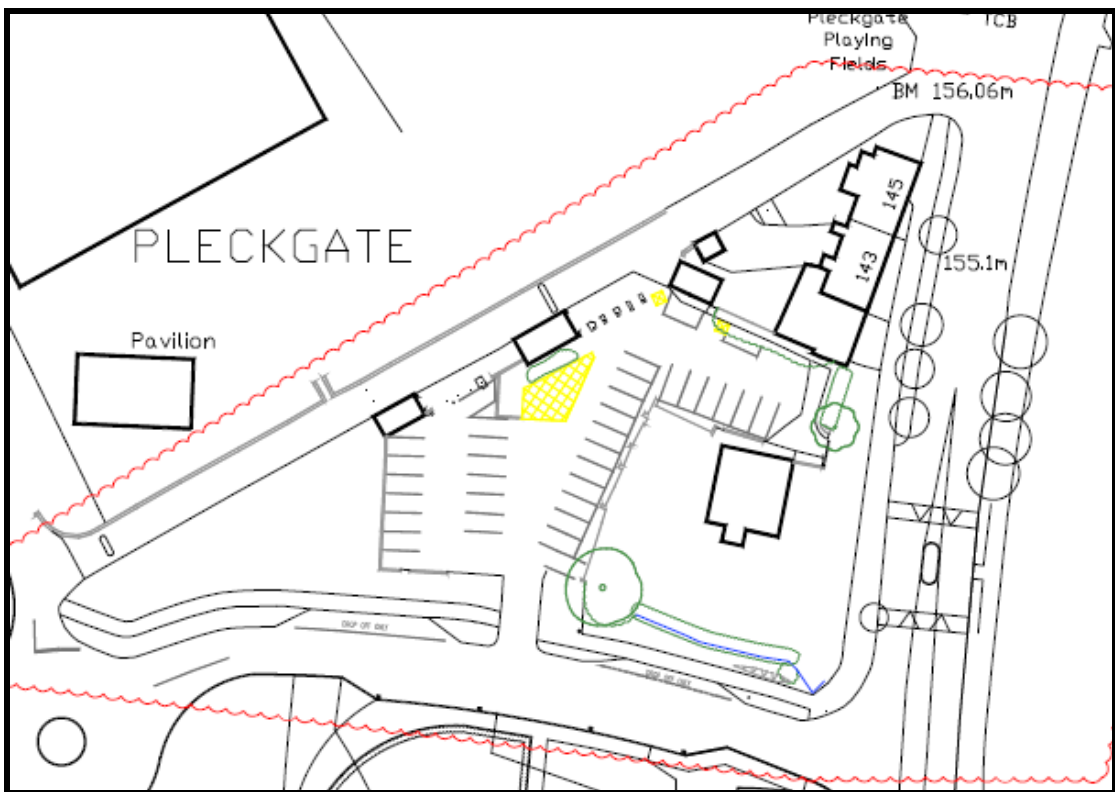
3.1.2 The section of the site associated with this application encompasses a car park and small landscaped area to the south/south-west of Nos 141-145 Pleckgate Road.

3.2 Proposed Development

3.2.1 An amendment is sought to planning permission previously granted under 10/09/0895 to regularise the planning position at the site in relation to amendments to layout and number of parking spaces. The variation also seeks to regularise the alteration to landscaping and removal of the foot path; as per the submitted drawing.



Approved scheme (10/09/0895)



Variation Scheme (10/18/0306)

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

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services

3.3.4 Local Plan Part 2

- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

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 making, this means approving development proposals that accord with the development plan without delay (paragraph14)

3.5 Assessment

3.5.1 Principle

The principle of the proposal is established through the previously approved 2009 application 10/09/0895. The proposed works are considered minor amendments to the approved scheme and as such, the principle of this application is considered to be in accordance with the Council's adopted Development Plan Policies and the National Planning Policy Framework, which emphasises provision of appropriate infrastructure in assisting in building a strong, responsive and competitive economy.

3.5.2 Impact upon residential amenity

Local Plan Part 2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise, privacy or other nuisance

3.5.3 The proposed increase of parking spaces between the approved plan L-001 Rev D and variation plan L-001 Rev N provides an additional 7 spaces. As with the original assessment, the proposed amendment should be viewed in the context of the pre-existing car park layout, rather than the introduction of an additional car park.

- 3.5.4 Whilst it is accepted that the amendment introduces additional parking spaces as part of a revised layout which further reduces amenity space. It is not considered that the area will result in a significant degree of additional noise or other nuisance from users, beyond that of the approved car park. It should be noted that outdoor and indoor uses are controlled by conditions as part original permission (10/09/0895) and noise will be centred around people entering and leaving vehicles. Indeed, should complaints be raised the Enforcement Team can determine what breaches have occurred and take necessary action.
- 3.5.5 Public Protection colleagues have been consulted on the application with comments to be provided by way of an update report.
- 3.5.6 However, in acknowledgment of the potential for noise impact, particularly during the evenings, the availability of Public Protection powers to address the issue should be reinforced and that general noise nuisance complaints can be investigated by Public Protection colleagues, under provisions of the Environmental Protection Act 1990.
- 3.5.7 It is, therefore, subject to no objection from Public Protection colleagues, considered that the amended proposal will not excessively erode residential amenity; in compliance with Local Plan Part 2, Policy 8.
- 3.5.8 Accessibility and Transport
Local Plan Part 2 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking.
- 3.5.9 Following a request from Highways colleagues for additional information on users of this section of the car park the school has proved the following comments, 'from the school's point of view we require as many car parking places as possible. The visitor car park is used every day. There are only enough spaces on the main car park for staff so any visitors use the visitor car park. It is also used regularly by our academy sponsor, The Education Partnership Trust for their staff and visitors to park. In the afternoon, parents park on the visitor car park and wait to collect their children from school. At the weekends the car park is used by people who use Pleckgate football fields across the road from the school. We have made an agreement with the council community team to allow parents to use our car parks so that cars are not parked directly on the main road. Finally, during school events such as open days, progress evenings or performances the visitor car park is also well used due to the number of parents visiting our site in the afternoon and evening.'
- 3.5.10 The Council's Highways Team has reviewed the accompanying documents, drawings and supplementary information and offers no objection to the scheme given the minor nature of the works proposed noting, 'there is the potential demand arising from the community playing fields for car parking

support, once the seasons are in full swing, and numbers increase. We would rather they are parked in a car park than on Pleckgate Road which is part of the strategic highway network.'

3.5.11 It is noted that a request for signage has been requested by the Highway Engineer, however a separate condition (24) as part of the original application (10/09/0895) deals specially with signage and as such, no additional request is required as part of this variation.

3.5.12 Accordingly, it is considered that the development provides sufficient off street parking and will not prejudice highway users; in compliance with Local Plan Part 2, Policy 10.

4 RECOMMENDATION

4.1 **APPROVE** subject to conditions previously approved under application 10/09/0895.

5 PLANNING HISTORY

5.1.1 10/09/0895: Replacement school with associated access, parking and landscape alterations.

6 CONSULTATIONS

6.1.1 14 neighbouring properties were consulted by letter. 1 letter of objection has been received. The material issues raised relevant to this application are considered to relate to:

- Amenity,
- Highway safety

6.1.2 Whilst the increase of additional parking spaces is acknowledged as having the potential to increase noise, pollution or other nuisance, this must be balanced against the baseline of the existing approval. The proposed works are considered to be minor and on balance would not cause a significant detrimental impact on the occupiers of nearby properties by virtue of the additional parking spaces. Additionally, the highways concerns are considered to have been addressed in paragraph 3.5.9 of this report.

6.1.3 It is noted that, a substantial and detailed objection has been received and whilst matters put forward are relevant to the original application 10/09/0895, they are not matters to be addressed as part of this application outside of those highlighted in paragraph 6.1.1

6.1.3 Highways Officer – no objection

6.1.4 Public Protection Officer – Comments to be provided by way of an update.

7 CONTACT OFFICER: Alec Hickey, Senior Planner.

8 DATE PREPARED: 08th June 2018.

9.0 SUMMARY OF REPRESENTATIONS

Objection from Brian Rees, Katrina Rees, Alexandra Rees

Dear Sir,

Please find below comments on application 10/18/0306

The Ombudsman said:

The applicant's agent sent a parking plan, Plan M in August 2012. But Plan M used the original car park size before the 2009 permission. It was a bigger car park without landscaping, and showed only 18 marked spaces. The Council discharged the condition without obviously noticing the differences. By 2013 Car Park A was constructed using the area shown in Plan M, but with 34 marked spaces. The school site is no longer owned by the Council.

There seems to be a miss match between the relevant plan that the Applicant of 10/18/0306 is seeking variation of and the plan advised to the Ombudsman was the relevant Plan.

There should be two relevant plans, resulting from Condition 11 and Condition 24 The Landscaping plan and the Parking plan.

I respectfully request that application be refused until statutory consultation has taken place on the relevant plans.

The Applicant states that "even if the approved car park had been constructed, it would have still resulted in a degree of noise from vehicles coming and going, an doors being shut etc." What the applicant fails to mention is that the degree of disruption would be considerably reduced in number and degree had the improved scheme had put in place.

The applicant goes on to say, "Such impacts would have been fully assessed by the council" That is exactly why the Council reduced the area of the area installed landscaping and reduced the number of parking places. That is why the Council were comfortable that the neighbours would not be unduly affected.

Had these impacts been fully considered as the Applicant states we would like to see them as we don't believe there is any record of an "impact assessment" being done.

For the avoidance of any doubt, the scheme proposed by the Council was not put in place.

Condition 24 of 10/09/0895 specified a parking plan be submitted and agreed. The Ombudsman worked off Plan M as the relevant plan.

The same plan dated 6/11/09 only 6 days earlier showed only 2 parking spaces north of 139 Pleckgate Rd BB1 8QA, somehow it got changed to 7 next to 139 in those 6 days which I also submit is a more than substantive increase of 250%

Condition 24 specified signage for staff and visitor parking for both the school and the CLC parking, signage has never materialised including for the installed CCTV

To the West of 137 and 139 there are 27 marked spaces plus 3 tarmaced and dropped kerbed spaces making 31 in all. Revision D shows pictorially 16 spaces to the West, therefore an increase of 11, again I submit there is a more than a substantive increase of 206%.

Condition 11 of 10/09/0895 specified a landscaping plan be submitted and agreed. The reason for this condition was to ensure there is a well laid scheme in the interests of amenity in accordance with BwD Local Plan.

Because Condition 11 was never done it means our amenity has suffered.

The decision notice is dated December 19 2006, the landscaping master plan D is dated is dated 12/11/09. The plan shows landscaping to reduce the size of the car park and specifies 16 CLC spaces in writing to preserve amenity and compensate for the addition of the new access road to the south of 137 Pleckgate Rd

We went into the Planning Office prior to the decision to see the planners We were told that the car park to the rear of 137 139 Pleckgate RD would be solely for the use of the CLC building (Adam Scot Strategic Development Officer) by phone and confirmed in person by Robert Buffham (Principal Planning Officer) That was in the detail Adam Scot briefed in writing to the Elected Members at Committee and that was what the Elected Members passed.

The Ombudsman confirms this commenting: The Council made a planning application for a new school building in 2009. It said a newly designed parking area, which I shall call Car Park A, would be for the sole use of the nearby learning centre rather than the new school building.

We respectfully submit that decision should stand. By Condition.

The parking spaces shown on the "Landscaping" Master Plan D" were for illustrative purposes only as the plan legend specified 16 places and that was the important figure. There would be a parking Plan submitted later as shown in the Decision notice Condition 24 to be agreed which would show the actual layout of the 16 parking spaces.

The reduction in size with the associated car park and landscaping was proposed to us as compensation for losing the large grassed area to the south of 137 which was to be turned into a new access road and drop off point area immediately next to our southern boundary.

There was also in recognition of the fact that the users of the car park would park in any available space in any of the areas outside of the designated 16 spaces that could accommodate a car, disregarding the double yellow lines so the proposal to us was to reduce the area of the car park by landscaping.

The uplift in spaces is substantive, being from 16 to an actual 44, is considerable and important given that 137 and 139 are now completely surrounded by tarmac available for parking, It is not just used by the CLC now the /////////////// but also by the School and East Lancashire Football teams. It is unmanaged, open 24/7 day and night.

There are unofficial parking spaces, which are well used because 3 of them are nearest the CLC and football pitches. These have been created from a previously landscaped area by removing the existing walls, removing the landscaping, lowering the kerbs and tarmac to bring them into use. There are 7 other spaces regularly used on school days and some evenings throughout the school terms and also at weekends through the football season.

10 Unofficial spaces in total. + 34 marked 44 in total.

The car park is used in a particular way unlike any normal car park.

School pickup: Parents arrive from about 2pm to claim and preserve their place. Since they are waiting for a protracted period of time they leave their engines running to either heat the car or run the air conditioning depending on weather conditions. This produces engine noise and exhaust fumes which affects the use of our private outside space detrimentally. Added to this we get the fumes from the school car park of 105 cars and from the new access road to the south of us. Both the access road and the car park are choked because of all the cars parked on double yellows on the school access road can't get out onto the main road which results in chaos, blowing of horns revving of engines and sometimes conflict between drivers.

The initial use of the car park has been dramatically increased by the inclusion of car parking to access the new football pitches on Saturdays and Sundays. Three of the pitches are unused so there will be another increase when these are brought into play. The car park fills up from about 8 or 9 am depending on who is playing and where they have come from and will be in and out most of the day with teams coming and going through out. Again there as there is no management on the car park we suffer increased noise and exhaust fumes.

Anti Social Behaviour (ASB) is a regular feature and the reduction in the size of the car park, landscaping, and signage would mitigate. Last night was typical, 5 cars with occupants partook from midnight to 3 AM in rowdy partying, drinking, smashing glasses, throwing up and so on. Police were asked but did not attend. If the landscaping was reinstated the car park could be closed off at night as are the other car parks close by. These activities cause us huge stress anxiety and disruption. They are a consequence of Condition 11 and to a lesser extent Condition 24 not being enforced.

The grassed areas described as "amenity grassed areas" across the rest of the site are of no amenity value to 137 139 Pleckgate Rd. In balancing the amenity removed what is needed is grassed areas between the cars and the houses boundaries.

With regard to the non provision of the footpath through the grassed area. It was designed so that it was on the desire line away from cars. It ensured that cars and pedestrian i.e. school children passing through the car park to the main footpaths would be separated. At present children have to cross the access road full of cars

trying to get out and then walk head on into cars trying to get out onto the access road from the car park. This non-design is a road safety issue and an accident waiting to happen.

We have shown that the uplift in spaces next to our boundaries is substantive.

We have never accepted the concept of parking next to our boundaries. It is incorrect and misleading to say the acceptability of parking next to our boundaries has been established through the original planning permission.

There is no record of the said original planning permission.

We have searched the planning records in Blackburn with Darwen's planning office with the assistance of planning office staff and were unable to find any record of a previous planning permission.

The reduced area of amenity grass is important to our amenity as it reduces the proximity and number of vehicles next our property particularly because we have lost the amenity grassed area to the South of our property because the Council has built an access road to the School and Blackburn Northern right next to our boundary.

The Ombudsman asked why the Council would ask the school to make a section 73 application rather than carry out the landscaping and layout plans the planning committee approved.

Our answer would be that the Council and School are effectively one and the same and therefore it is not deemed expedient to uphold the democratically approved decision the planning committee approved. The Ombudsman says they didn't notice the changes or in the event as it turned out follow the right plans plans.

We respectfully ask that the application should not be approved.

Should this application be approved we would respectfully request the following Conditions:

Carry out an impact assessment covering, vehicles, noise, loss of amenity, and ASB.

A solid boundary treatment be put in place against our property, be it whatever form solid walls or extra landscaping and management of the car park to prevent Anti Social Behaviour (ASB).

Signage for staff, visitors, and existing CCTV.