

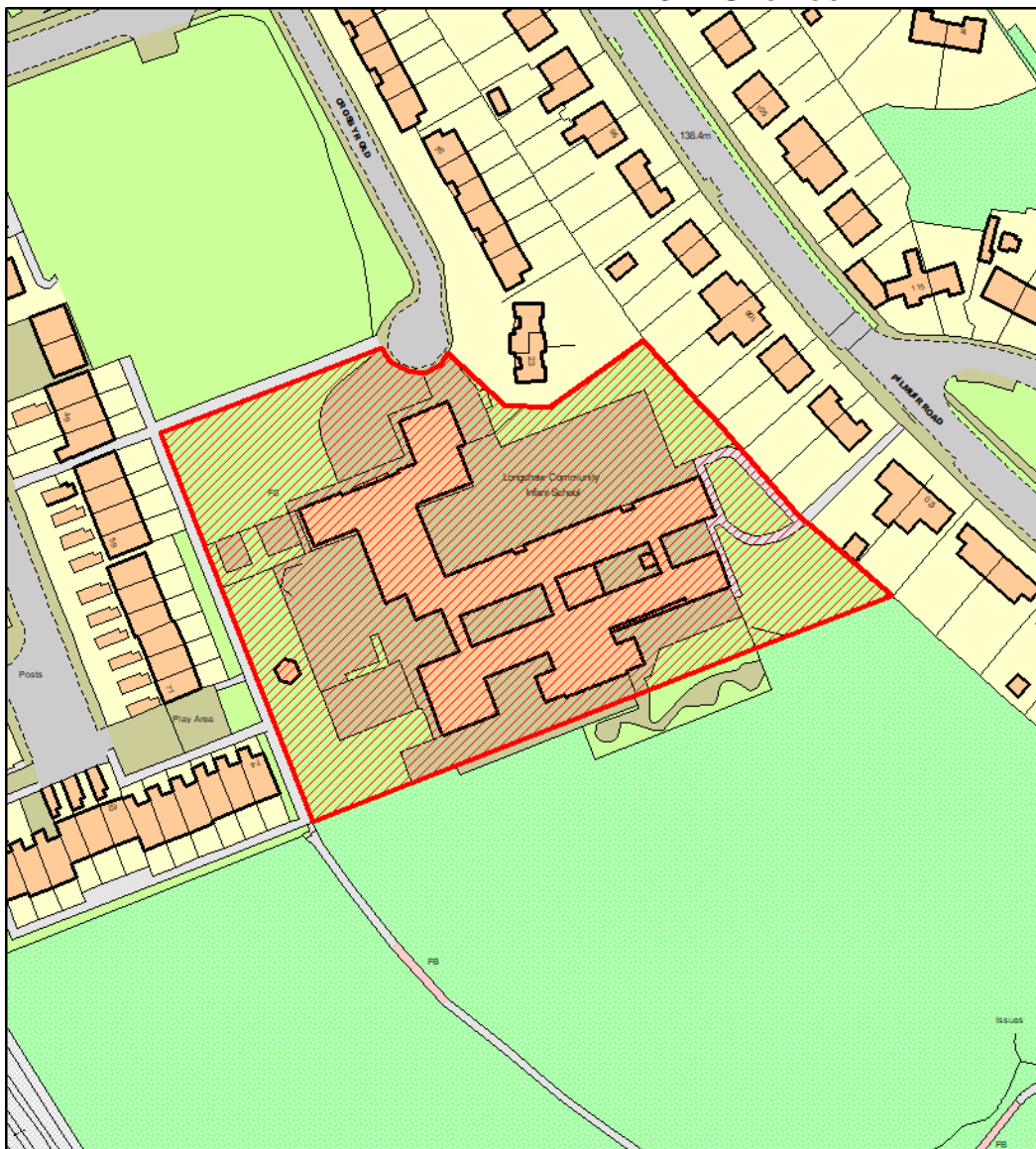
Proposed development: Full Planning Application (Regulation 4) for Erection of Single Storey Nursery Building

Site address:

**Longshaw Infants School
Crosby Road
Blackburn
BB2 3NF**

Applicant: Longshaw Infants School

**Ward: Blackburn South East Councillors: Tony Humphrys; Vicky McGurk
Jim Shorrocks**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE, subject to the conditions recommended within Paragraph 5.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, as Blackburn with Darwen Borough Council is the Applicant. The planning application has been submitted under Regulation 4 of the Town & Country Planning Regulations 1992.
- 2.2 Longshaw Community Infant School and Longshaw Nursery federated in May 2021. Currently the two buildings and premises are both separated from each other by a distance of around 100m. The proposal seeks to erect a new nursery building within the grounds of the school to enable the two uses to be in close connection and allow better management. The existing Longshaw Nursery building will then be demolished after completion of the new building. Wider works currently outside the school grounds will also take place by way of creating a larger parking area and an external play area for the proposed nursery.
- 2.3 The Council's Development Plan supports new early year centre buildings within existing public buildings/facilities, provided they constitute sustainable development, and accord with other relevant Policies set out in the Blackburn with Darwen Borough Council Development Plan.
- 2.4 In summary, assessment of the application finds that on balance the proposal is acceptable, with all material planning considerations and issues having been addressed throughout section 4 of this report. A number of planning conditions are recommended to control the development and allow adequate mitigation of any concerns established.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to Longshaw Infant School which is positioned at the end of the cul-de-sac on Crosby Road, within the Blackburn Urban boundary and on the border of the Inner Urban settlement boundary. The school grounds itself comprise of large linked building, a small front car park and several surrounding hard-surface and grassed play areas. The proposal site is positioned in the north-western part of the school which is currently subject to soft landscaping (grass) and has two oak trees present. The existing Longshaw Nursery School is situated over 100m away to the north of the Infant School.
- 3.1.2 Residential dwellings are located immediately east and north-east of the school on Crosby Road and Pilmuir Road and to the west on Peel Close. Beyond Peel Close sits a railway corridor which is largely surrounded by trees.

and scrub. To the north adjoining the grounds of the school is an area of open grassland which previously occupied Longshaw House, a home for older people. A large green area consisting of scattered trees, scrub and grassland is located to the south and separates Longshaw Infant School and Our Lady of Perpetual Succour Church and Primary School.

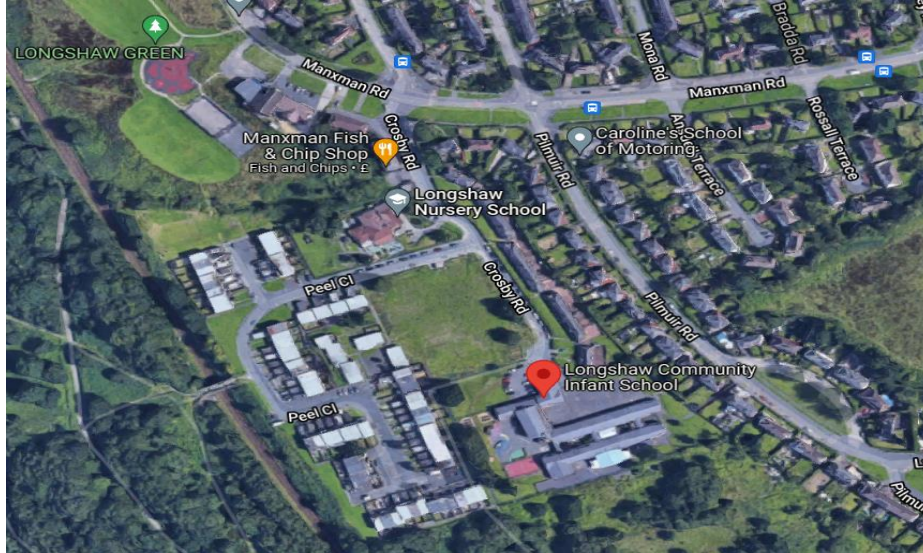


Figure 1: Google aerial view of the application site

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for a new single storey nursery building set within the school grounds, comprising a footprint of circa 360sqm. The proposed building will be rectangular in appearance and sited 5m away from the front elevation of the existing school. It will measure approximately 20.2m in width with a depth of 17.8m. Height to the ridge will be 6.2m and 3.8m to the eaves.
- 3.2.2 Proposed external walling material is brickwork with numerous window openings to all four elevations and two sets of bi-folding doors on the rear and side (northern) elevations. The building will feature a hipped roof constructed in Britmet tiles. The proposed floor plan and elevations of the building are shown below.

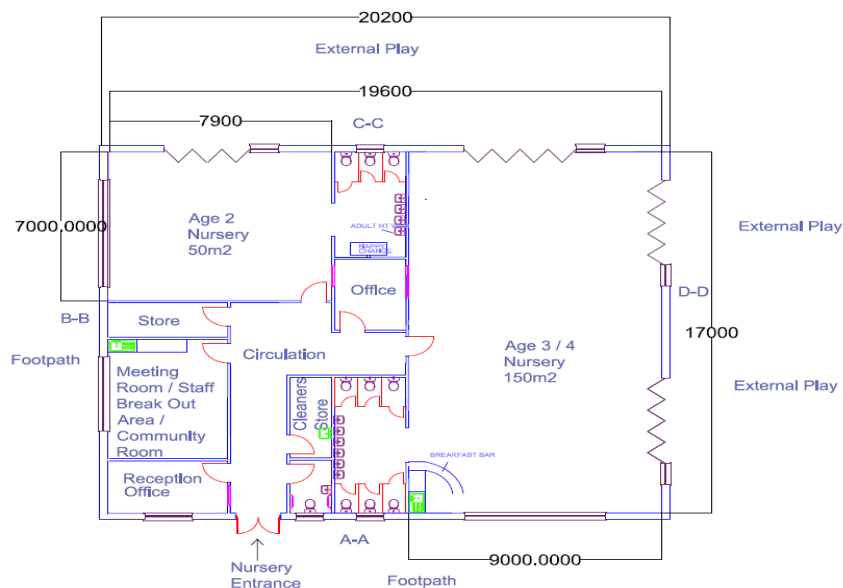


Figure 2: Proposed Floor Plan

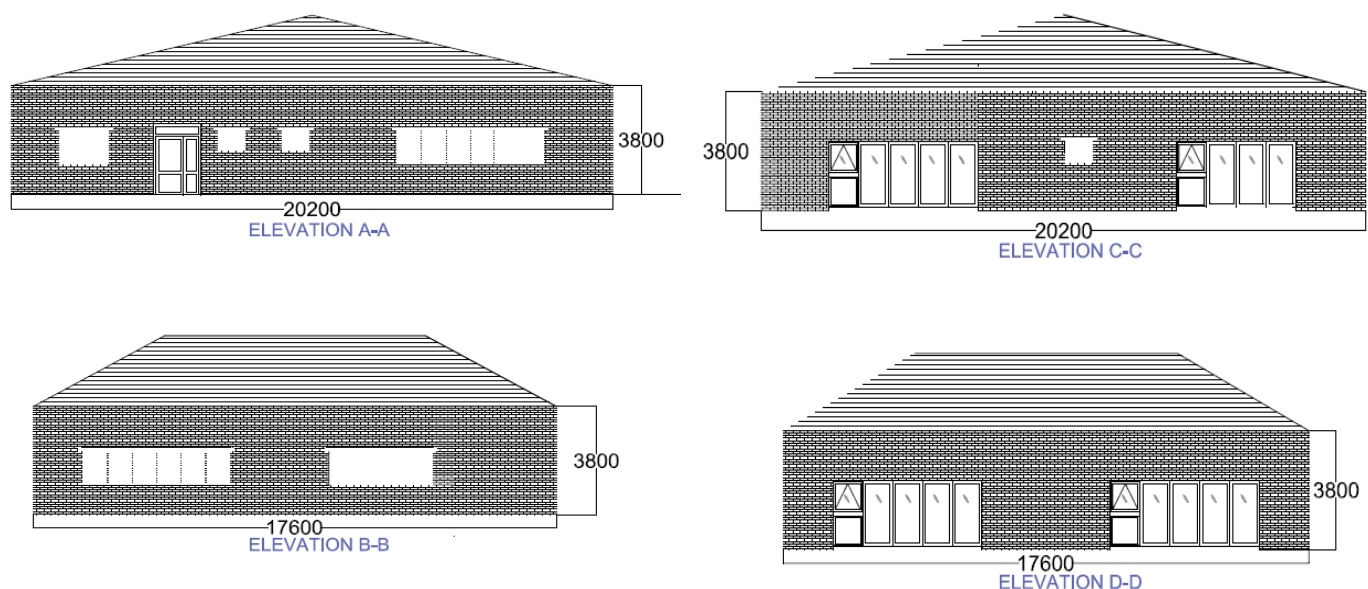


Figure 3: Proposed front (east) and side (south) elevations (left). Proposed rear (west) and side (north) elevations (right).

3.2.3 Part of the proposal also involves a land transfer to acquire a small parcel of land from the former Longshaw Home for Older People site which is positioned immediately north to provide an external play area and additional car parking provision. The land is Council owned. No objections have been raised by Blackburn with Darwen Growth and Property Team regarding this land transfer and its associated use. An existing public footpath adjacent the schools boundary which leads from Crosby Road to Peel Close is to be re-positioned approximately 14m further north.

3.2.4 Access to the proposed nursery building will be reached via the same arrangements as the school which is at the end of the cul-de-sac on Crosby

3.3 Case Officer Photos



3.4 Development Plan

3.4.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

3.4.3 Core Strategy

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS16 – Form and Design of New Development

3.4.4 Local Plan Part 2

- Policy – 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
- Policy 36 – Climate Change
- Policy 38 – Green Infrastructure

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF) (July 2021)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

4.0 ASSESSMENT

4.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle of Development
- Residential Amenity
- Design/Visual Amenity
- Highways
- Environment
- Air Quality

4.2 Principle of Development

4.2.1 Policy CS1 of the Core Strategy and Policy 1 of the LPP2 emphasise that the focus of new development should be within the urban area. The provision of early years centres is covered by Policy CS11 which relates to facilities and services. The policy states 'the range and quality of public services and facilities will be expanded and enhanced; in particular, but not limited to existing key public buildings / facilities (point iii).

4.2.2 The existing Longshaw Nursery was previously privately owned and run as a separate entity from the school. However, the nursery is now owned by the school. Given the amount of refurbishment that was required to the existing nursery building it was deemed not viable. With this in mind, and to better facilitate management / logistical reasons, the proposal seeks to erect a new nursery building within the school grounds. As such, the development is proposed for a site that has current educational use, and therefore the provision of a nursery building within this site is considered acceptable in land use terms. Also, the continuation of nursery provision, within a residential area

where children are likely to live, would also be a complementary use. The proposed development therefore accords with the above policy requirement set out under CS11.



4.2.4 When considering the extent of a relatively small loss of green space in context with the wider Green Infrastructure allocation within this area, it is considered the harm caused by the proposal will be very minimal. The existence of the school building and nearby dwellings also already compromises the openness of this minor parcel of land. For these reasons, the scale of the proposed development can be supported without detriment to the overall function of the GI. Additionally, given the nature of the application there are some clear benefits in relation to providing an early years centre within grounds of the school. As such, it has clearly been justified the loss of Green Infrastructure in this instance is acceptable, thus according with Policy 38.

4.3 Residential Amenity

loss of light, privacy/overlooking, noise, nuisance, pollution, contamination, and the relationship between buildings.

- 4.3.2 In terms of residential amenity, the rears of No. 51-61 Peel Close will be at a distance of approximately 21.5m to rear elevation of the proposed building. As such, owing to this ample separation relationship and the single storey nature of the building with modest overall height, the proposed development would not lead to any unacceptable implications for nearby occupiers in terms of loss of light and outlook.



Figure 6: Site photos showing proximity of site to the rear of the properties on Peel Close

- 4.3.3 Concern has been raised from nearby residents regarding the potential increase in noise disturbance associated with playing activities in the external play areas of the proposed nursery. A noise assessment has been submitted with the application to establish expected noise levels and impact to existing noise sensitive properties on Peel Close.
- 4.3.4 The assessment was based on the fact that 50 children would be playing outside at the same time. However, the agent has confirmed the maximum amount of children at any one time will be 26 due to the amount of staffing needed to monitor outdoor play. Notwithstanding this, the noise assessment concluded the impact from the proposed nursery is expected to be at the No Observed Adverse Effect Level, owing to the fact the difference was determined to be no greater than 1dB.
- 4.3.5 The Council's Public Protection Officer points out that with all noise assessments, there is some uncertainty associated with the predicted outcomes, particularly as there is no standard method for assessing noise from nurseries. However, having reviewed the submitted information goes on to indicate *'the predicted noise levels do not warrant a refusal of the application on noise grounds'*. Nevertheless, it is acknowledged noise is likely to increase by virtue of distinctive shouts, laughter and screams of young children playing.
- 4.3.6 As such, in order to safeguard loss of amenity to surrounding properties a scheme for the installation of a noise barrier along the western boundary is to be conditioned which will adequately mitigate much of the concerns regarding

noise. Furthermore, conditions restricting the amount of children using the outdoor areas to 30 at any one time, and hours of use solely to 8am-5pm Monday to Friday will additionally reduce the level of harm to the living conditions of adjacent occupants.

- 4.3.7 Members should also be reminded that the premises is an existing primary school and current arrangements in terms of play areas for school pupils are also in close proximity to residential properties on Peel Close. Whilst it is recognised the external play areas associated with the nursery will likely be more intensively used, frequent activities do occur on the existing playgrounds throughout the day which results in a high level of noise. Therefore, some conflict already arises. It should be noted that the nursery will operate during the working week and external play activity is likely to be limited to certain times within those days. The nursery will also make use of the other play areas in the grounds of the school, and therefore outdoor play will not be entirely limited to the curtilage of the nursery. On that basis, and through the appropriate control of planning conditions stated in section 4.3.6, the proposal on balance would be acceptable on noise grounds.
- 4.3.8 Additional noise and disturbance to the residents on Crosby Road is also likely to occur when parents drop off and pick up their children. However, it is evident local residents will experience some level of disturbance resultant of the existing school. It is intended that the nursery would operate between 8am and 5pm, with varied drop and pick up times to cater for the requirements of individuals parents and carers. As such, the likelihood is that comings and goings to the nursery will spread throughout the day, thus minimising the potential for peaks in noise and disturbance. At times throughout the day this will also be offset against the background noise of the school and nursery activities, and therefore the proposal will not be unacceptable to the occupiers of the adjacent dwellings on Crosby Road.
- 4.3.9 A large proportion of the rear garden areas of the aforementioned properties on Peel Close are enclosed by circa 1m high fences. The boundary of the application site is currently secured by wired mesh fencing. As such, views to and from the proposed nursery and lower ground floor habitable rear room windows on Peel Close are afforded. The installation of a noise barrier along the western boundary, as highlighted above will also provide effective screening allowing greater protection in terms of privacy by way of limiting views of the nursery to the upper floor windows of these dwellings.
- 4.3.10 An appropriate refuse area lies within the premises of the school towards the eastern boundary, and the proposed nursery will make use of this for any waste etc.
- 4.3.11 Residential amenity will be safeguarded during construction works via conditions limiting construction to between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.
- 4.3.12 A Phase 1 desk study and Phase 2 geo-environmental report and remediation strategy has been submitted with the application. The Council's Contaminated

Land Officer has reviewed the details and overall concludes the site is not a particular high risk site. However, clarification is needed on several points. As these have been unable to be addressed during the course of this process, the standard contamination conditions are recommended and further assessment of ground contamination will take place through a discharge of condition application.

- 4.3.13 On balance, subject to conditions the proposed development during the construction phase and use thereafter is not considered to be excessively detrimental upon surrounding amenity, and thus accords with Policy 8 of the Local Plan Part 2 (2015).

4.4 Design/Visual Amenity

- 4.4.1 Policies CS16 and 11 require development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 4.4.2 The positioning of the proposed nursery building will be in a reasonably prominent position when viewed from Crosby Road. It will be read in context with the existing school building, and as such, it is important the building integrates well with the adjacent school from a visual perspective in terms of its massing, shape, materials, roof form, and window and door detail.
- 4.4.3 The proposed building will be single storey in scale and will comprise of a fairly shallow hipped roof form with a ridge height of circa 6.2m. The external walls of the building are to be constructed in brickwork and Britmet tiles are to be used for the roof. On that basis, the proposed external materials will match those used on the existing school building which will ensure a sympathetic and complementary form of development. A condition is to be attached to ensure illustrative details of all external materials to be used in construction of the building are submitted to and approved by the Local Planning Authority prior to their use to guarantee a satisfactory appearance is achieved.
- 4.4.4 The rectangular form of the building is considered appropriate considering the overall size of the plot that it is limited to and site constraints in regards to trees. As such, the proposal will not be unduly visually harmful to the relatively irregular form of the existing school.
- 4.4.5 Four sets of bi-folding doors are proposed, two to the rear elevation and two to the side (north) elevation which will allow easy access to the external play areas. The openings are proportionate in size and subsequent arrangements are considered acceptable in design terms. Fenestration detail of the proposed windows to the front elevation and opposite side, along with the single doorway entrance to front of the building are satisfactory in terms of appearance and given the extent of glazing to the school building the proposed window arrangement will not appear at odds.
- 4.4.6 Overall, the massing, form and design of the proposed building would not have an adverse impact on the visual amenity of the adjacent school building, street scene or wider area.

4.4.7 Accordingly, the proposal is considered to constitute good design, and thus accords with the relevant Development Plan Policies and the NPPF.

4.5 Highways

4.5.1 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 off street servicing and parking in accordance with the Council's adopted standards.

4.5.2 A number of objections received in public comments point out current issues regarding the surrounding highway network. Due to the terraced bungalow housing stock along Crosby Road, a large dependence of vehicular parking for occupants of these dwellings is placed on-street which is limited to one side. As a result, it was acknowledged on the case officer's site visit that on-street parking along this immediate stretch of road is currently saturated, and therefore it is important to ensure the proposal does not exacerbate the problem.

4.5.3 In accordance with the Council's adopted parking standards, parking provision should be measured against Class D1 (Day Nurseries/Centres), based on 1.5 car spaces per 2 staff plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.

4.5.4 Within the school grounds is an existing front car park which provides 14 marked out parking bays. The proposal seeks to form an additional parking area to accommodate a further 15 spaces, and thus overall provision will be 29 off-street spaces which includes two accessible bays. The details submitted within the Design and Access Statement indicate the number of children attending at any one session being a maximum of 85 and staff numbers at 10 (5 full-time and 5 part-time). Taking all of the above into account, the proposal equates to a need of 8 spaces for dropping off and picking up and a further 8 spaces for staff parking.

4.5.5 The Council's Highways officer initially raised concerns given the new parking was to be solely used for staff and visitor purposes, and would not allow parents to drop-off/pick-up within the school grounds due to their own policy restrictions. This has since been rectified and 13 spaces will be available to support the nursery use. Eight of those spaces will be designated entirely for parents to drop off and collect their children within the premises and the other five for nursery staff parking. Parking bay dimensions as identified on the proposed site plan are acceptable. Two accessible bays near the entrance of the building are also proposed which allows further opportunities for vehicular parking for those with disabilities.

4.5.6 Given the proposal offers some off-street provision, it is considered the pressure on the highway network will be eased. Furthermore, it should be noted that much of the footfall for the nursery use and associated vehicular movement will largely be outside school hours due to the session arrangements. Therefore, the two uses (i.e. nursery and school) are unlikely to conflict and lead to significantly detrimental highway concerns.

- 4.5.7 Also, the location of the nursery, close to residential properties, favours access by active transport means. The existing nursery building positioned over 100m away to the north does not offer any off-street provision, and therefore these existing arrangements place a reliance for parents to park on-street. Therefore, capacity to park on-street opposite the existing Longshaw Nursery Building on Peel Close will remain with only a short distance walk required.
- 4.5.8 In terms of vehicular access into the site, the existing arrangements currently comprise of a single entrance point. The proposal originally sought to create a separate entrance in and separate entrance out. The Council's Highways Officer expresses concerns stating '*the positions of the accesses appear restrictive for ease of access and egress into and out of the site*'. Also, by virtue of having two access points so close together pedestrian/child safety using the footway may be hindered. As such, amendments have been received and the proposal is to be contained to a single point towards the northern boundary. There is adequate visibility in both directions to allow pedestrians and motorists to see vehicles using the access and react accordingly. A scheme detailing the closure of the existing access is to be conditioned.
- 4.5.9 In addition, a further condition is recommended to agree the logistics of the construction phase in order to minimise disruptions from that phase on the local highway network. However, at this point the agent has made the Council aware that the construction base will be situated on the adjacent land immediately north of the site. The car park extension to facilitate the proposal will at first form a temporary basis by virtue of stoned surfacing to avoid any damages to the proposed Bituminous Macadam surface during building works. The agent has confirmed once the construction phase has been completed, the temporary car park will be used for a short period of time before the new hard surface is laid and final thermoplastic line parking bays are marked out. This will take place after occupation of the building when the school is shut either in the February or Easter 2023 half-term holidays when the car park is likely to be shut. This will be secured by condition.
- 4.5.10 The proposal would utilise the re-positioned footpath along the northern boundary to form a dedicated pedestrian access to reach the proposed nursery building. Therefore, no harm will arise to pedestrian safety from conflict with vehicles. Refuse collection and service delivery will continue using the existing arrangements via the north-eastern entrance and utilise the yard area for manoeuvring of larger vehicles.
- 4.5.11 The Council's Highways Officer has recommended that a Travel plan is submitted within 6 months of operation to understand what management will be put in place to support the drop off and pick up and also whether alternative modes of transport are encouraged. A further condition is to be added to ensure a scheme to be submitted for the provision of cycle storage and Powered Two-Wheeler parking to further ease the burden on car vehicular parking at the site.

- 4.5.12 When the above factors are considered, and subject to compliance with the recommended conditions, on balance the proposed development would be acceptable in relation to highway safety and parking provision, thereby according with Policy 10.

4.6 Environment

- 4.6.1 Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

Ecology:

Policy 9 with regard to ecology assessment emphasises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

- 4.6.2 An ecological appraisal has been submitted with the application. The Council's Ecological Consultants (GMEU) have reviewed the information provided and conclude that no significant ecological issues have been identified.
- 4.6.3 In relation to protected species, the appraisal found no evidence of any such species, and it has further been established that the small footprint of the development, located on amenity grassland is unlikely to give rise to any negative impacts on protected species. As such, no further survey work is required.
- 4.6.4 Turning to nesting birds, two trees are to be removed as part of the proposal. It has been recognised that these trees appear low risk in terms of providing bird nesting habitat, and therefore no concerns arise. However, an informative note is recommended to raise awareness to applicant that it is an offence under the Wildlife and Countryside Act 1981 as amended to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Subsequently, it is advised careful consideration is taken on the above point when tree removal occurs.
- 4.6.5 Concern has been raised regarding the loss of wildlife to the area with subsequent building. However given the fact that two large oak trees are to be retained as part of the proposal (discussed in the next section), the proposal is not considered to be detrimental to local wildlife population i.e. birds, squirrels etc.

Trees:

- 4.6.6 Point 11 of Policy 9 states that development proposals should incorporate existing trees into the design and layout. An Arboricultural Impact Assessment (AIA) accompanies the application due to presence of trees on site. Within close proximity to the proposed rear elevation of the building are two large common oak trees which have been categorised as 'A1' (high quality with an

estimated remaining life expectancy of at least 40 years). The Oak Trees are referenced T2 and T3 as shown on the 'Tree Constraints Plan'. The below image shows the two oak trees.

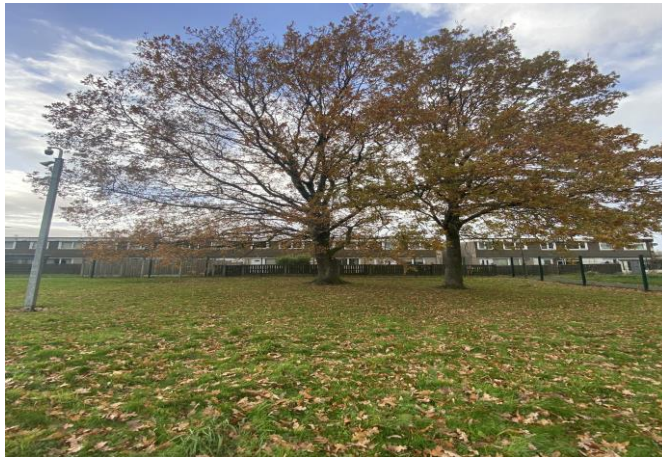


Figure 7: Site photo of the two common oak trees

- 4.6.7 Taking into consideration, the overall quality of the two oak trees which provide great ecological and visual value to the surrounding area, the proposal seeks to retain them both. The proposal building has been re-positioned a further 600mm east from its original siting to minimise any potential harm on the root protection area (RPA). As such, the rear elevation of the building will be approximately 5m and 6m away from the trunks of the tree.
- 4.6.8 As the proposal encroaches into the RPA of the trees the proposed nursery building is to be constructed using a pile and beam foundation approach which will therefore ensure minimal disturbance within the rooting zone. Minor pruning works are required to the trees to lift the crowns to a sufficient height, and thus avoid any conflict with the proposed building.
- 4.6.9 The type of surface for the play area within the RPA will be retained as soft surface and mulched. This method provides greater benefits to the oak trees and poses considerably less harm than hard surfacing. The proposal does involve a small footpath towards the rear of the building approx. 1.2m in width. The Arboricultural Method Statement (AMS) highlights that the footpath will be constructed using a cellular confinement approach and materials which is specifically designed as a tree root protection measure. The Council's Tree Officer initially cited a few concerns with the proposal, however has since raised no objections following the receipt of a revised AIA and AMS which have fully addressed any tree issue matters.
- 4.6.10 A Common Hawthorn and Downy Birch to the north of the site are to be lost, their removal is considered appropriate to construct the car park extension. The other remaining trees on the school grounds and those sited beyond the school's boundary in close proximity to Crosby Road are all to be retained.
- 4.6.11 A number of protection measures to the trees during the construction phase have been demonstrated which includes tree protective fencing, a

construction exclusion zone and temporary ground protection. A condition is recommended to ensure the development proceeds strictly in accordance with submitted AIA, along with the Tree Protection Scheme and AMS. The Council's Tree Officer has confirmed his availability for a pre-commencement site visit, in line with the requirement stated in the AMS.

4.6.12 A further 'add on' report to the Method Statement is required to be submitted to the LPA in regards to the new boundary treatment (noise barrier) along the western boundary of the site. This will include details regarding the construction i.e. making reference that there will be no machinery operating within the RPA and installation of the barrier to be carried out from the footpath side and not the tree/school side. Moreover, it will include information relating to the protocol in the event any roots are found during the erection of the fence and also this will be dealt with to ensure minimal disturbance to the trees.

4.6.13 Subject to compliance with those conditions, the proposed development would be acceptable in relation to arboricultural considerations, in accordance with Policy 9.

Drainage:

4.6.14 The site is within Flood Zone 1, as defined by the Environment Agency. As such, the site is considered to be at low risk from flooding. However, as a new build structure there will be additional runoff from the roof and this should be adequately controlled. The Council's drainage consultee (as Local Lead Flood Authority) offer no objections to the proposal, subject to submission of a foul and surface water drainage strategy to be secured via condition.

4.6.15 Furthermore, United Utilities have requested the control of surface water drainage to be investigated, in accordance with the hierarchy detailed in national planning guidance and will be appropriately worded within the condition relating to drainage.

4.7 Air Quality

4.7.1 Policy 36 requires development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development.

4.7.2 In response to such matters, BwD Public Protection have advised that an electric vehicle charging point should be provided within the existing car park. This will be secured via an appropriately worded condition. As discussed in the above highways section, a condition for cycle storage targeting other modes of transport would also assist in improving air quality in this locality. Subject to those conditions being abided by, the proposal would be acceptable in relation to air quality, thus meeting the requirements of Policy 36.

4.8 Summary

- 4.8.1 This application involves the erection of a new single storey nursery within the existing school grounds. The proposal also includes a car park extension to the existing with a further provision of 16 spaces.
- 4.8.2 In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and the NPPF.

5.0 **RECOMMENDATION**

5.1 **Approve subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - Drawing No. 4279 / XA05 002, Rev D – Location Plan;
 - Drawing No. 4279 / XA05 003, Rev C – Proposed Site Plan; and
 - Drawing No. 4279/ XA05 004 – Proposed Plan, Roof Plan & Elevations

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

3. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details of the external walling, roofing, window and door materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). Any

- investigations undertaken shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) separate systems for the disposal of foul and surface water;
 - (iii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
 - (iv) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - (v) details of how the scheme will be maintained and managed after completion; and
 - (vi) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
- (i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
 - (ii) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part.

7. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:

- i) the management of construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust, dirt and vibration; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway and to protect the amenity of the occupiers of the adjacent properties, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2

8. Prior to occupation or use of the development, a scheme for the construction of the site access and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The development hereby approved shall not be brought into use unless and until, the car parking scheme as detailed on the approved Proposed Site Plan, 'Drawing No. 4279 / XA05 003, Rev C' has temporarily been constructed, and laid out. The final Bituminous Macadam hard surface with thermoplastic markings should then be constructed either in the February or Easter School Holidays 2023 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To allow for vehicles visiting the site to be parked clear of the public highway, and to assimilate the new car parking areas in their surroundings in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2

10. Prior to occupation or use of the development hereby approved, a scheme detailing the closure of the existing access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the existing access being physically and permanently closed; and the existing footway and kerbing of the former crossing being reinstated. The development shall be implemented in accordance with the approved details within 6 months of the formation of the new access or following the completion of the final hard surfaced car park.

REASON: To ensure the safe, efficient and convenient movement of all highway users in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Following six months of occupation of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan shall identify measures that the occupiers will adopt to promote sustainable transport for staff, visitors, and deliveries and shall include details of how the proposed measures are to be implemented and monitored. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of sustainable transport objectives and in accordance with Policy 10 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Construction and / or demolition works shall not be permitted outside the following hours:

Monday to Friday	8:00 to 18:00
Saturday	9:00 to 13:00

Construction and demolition works shall not be permitted on Sundays or Bank or Public Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

14. A scheme for a noise barrier on the western boundary of the 'Play' areas shall be submitted by the developer. The scheme shall be agreed in writing by the Planning Authority, and implemented prior to commencement of the approved use, and retained thereafter.

REASON: To prevent a loss of amenity at neighbouring residential premises caused by noise, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

15. No more than 30 children at any one time shall use the outdoor areas labelled 'Play' on 'Drawing No. 4279 / XA05 003, Rev C – Proposed Site Plan'.

REASON: To prevent a loss of amenity at neighbouring residential premises caused by noise, in accordance with Policy 8 of the Local Plan Part 2.

16. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. The use hereby permitted shall not operate outside the hours of 08:00 to 17:00 Monday to Friday. It shall not operate at all on Saturdays and Sundays.

Any variation of the above hours restriction must be approved in writing by the Local Planning Authority.

REASON: To ensure appropriate hours of use to minimise noise disturbance and safeguard the amenities of the adjoining premises and the area generally in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

18. Prior to occupation or use of the building, a scheme for cycle storage provision and powered two-wheeler parking which includes details on the number, type of stands, location and shelter shall be submitted to and approved by the Local Planning Authority. The facilities shall be retained at all times thereafter.

REASON: To ease the pressure on off-street parking arrangements at the site and encourage other modes of transport, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

19. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment Overview, Rev B and Draft Tree Protection Scheme/Arboricultural Method Statement as prepared by Bowland Tree Consultancy Ltd, dated January 2022. Specified tree protection measures shall be adhered to throughout the period of construction. Prior to the installation of new boundary treatment to further enclose the site, an add on Arboricultural Method Statement report should be submitted to the Local Planning Authority which covers details regarding construction activities and measures to avoid disturbance to the trees with any new fencing.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Should the proposal involve outdoor floodlighting, a scheme detailing the types, positions and heights shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

21. Prior to their installation, a scheme for the provision of an electric vehicle charging point within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within the first six months of occupation and retained thereafter.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This condition implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

6.0 PLANNING HISTORY

Longshaw Infant School

- 10/92/1826 – Alterations and erection of additional classrooms, resource area and staff room. Approved, 06/01/1993.
- 10/94/0457 – Provision of pitched roof to school buildings. Approved, 13/05/1994.
- 10/07/0456 - Replacement of existing fencing with new palisade fencing to entire boundary. Approved, 29/06/2007.

Longshaw Nursery School

- 10/00/0640 - Conversion of flat roof to a 15 degree pitch with profile steel sheet. Approved, 23/11/2000.
- 10/07/0492 – Replacement of boundary fencing. Approved, 28/06/2007.
- 10/08/0037 – Erection of play equipment. Approved, 14/02/2008.
- 10/08/0174 - Children's steel embankment slide. Approved, 23/04/2008.

7.0 CONSULTATIONS

7.1 Statutory Consultation

7.2 BwD Highways

PROW – no implications

The submission details have been reviewed, and a site investigation has been carried out.

The proposal received is for Erection of Single Storey Nursery Building

Parking

In accordance with the adopted parking standards Class D1 the proposal would attract an allowance of (based on no of class/no of staff - 1.5 car spaces per 2 staff plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.) 8 spaces for dropping off and picking up, and 8 spaces for staff parking. (85 children attending at any one session, and 10 staff (5f/t and 5p/t).

The Proposed Site Plan is read in conjunction with the amended Design & Access Statement received which provides further details on the number of children expected at each session and also the existing provision for parking together with what is proposed in addition.

The statement confirms an existing provision of 12 marked out parking bays. The additional requirement would be 16 spaces. The total spaces proposed are 27 space (albeit the end bays should not be considered as it does not have adequate room for manoeuvrability), which is an adequate provision to the support this current application, including drop off and pick up.

All bays should conform to the council bay sizes of 2.4 x 4.8m with 6m manoeuvrability into and out of the bays, those closest the entrance opposite the disabled bay appear to struggle with this.

The Highway Authority expresses concerns with regards to statement that parents would not be allowed to drop off and pick up within the school grounds. It is clear that there is a need, the statement continue to cite issue of parking on street, and on occasional they have had to seek assistance from PCO's. The additional 16 spaces proposed should be used to support the nursery staff/drop off and pick only, and should not be monopolised by the school.

I would advise that the nursery is asked to submit a Travel plan within 6 months of operation to understand what management will be put in place to support the drop off and pick up and also whether alternative modes are encouraged and what done to assist the drop off and pick situation as 8 spaces will not be sufficiently to deal with the matter at hand.

Please also attach a condition to ensure 8 bays are marked out for drop off and pickup only. Scheme to be submitted for approval.

2 spaces are provided for disabled use, these should be clearly marked out.

Although cycle parking is mentioned, no details are received on the number, type of stands, location or shelter. This together with provision for the parking of PTW is received for approval.

We would request a condition also be attached to ensure the car park to support the nursery is delivered being the use becomes operational

Access

The Access is to be separated into two points with and in and out.

The positions of the accesses appear restrictive for ease of access and egress into and out of the site.

Having two access points so close together does have an impact on any pedestrian/child using the footway to the front of the school. I would be minded to contain the access to single point. However if you minded to approve the positions of the access as set out, they would benefit from being straightened out to support the manoeuvre of vehicles entering and leaving the site.

Pedestrian access has been separated from the vehicular access, this is welcomed.

Servicing

No evidence of a swept path analysis to indicate the tracked route of service vehicles into, within and out of the site are offered, together with frequency of movements. Please request further details or condition accordingly.

Other

Construction Method Statement to be submitted for approval. Please condition

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Construction method statement/demolition method statement is to be received this should include wheel washing
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway

- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.
- Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense

To conclude, in principle we would support the application subject to the above matters being satisfactorily addressed

7.3 BwD Drainage (Lead Local Flood Authority)

We have no objections to the proposals but require the following condition;

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (iv) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

7.4 Public Protection

Initial comments;

Predetermination - Noise

With reference to the above application, I will require the additional noise related information before I can make my recommendations.

The proposed nursery will accommodate 85 children in the morning and afternoon sessions, and they will be using an outdoor play area adjacent to residential premises. There is a likelihood that the resulting noise will give rise to significant loss of amenity.

I therefore recommend that the developer is asked to submit a noise assessment which determines the likely impact of the proposed development upon neighbouring residents. Where appropriate, it will identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. All potential sources must be considered. The assessment will consider outdoor and indoor amenity, and the impact of any impulsive character (e.g. from play equipment) or tonal noise shall be taken into account. Consideration should be given to WHO guidance and BS8233:2014. The applicant or their consultant is advised to contact Simon Kirby (simon.kirby@blackburn.gov.uk, Tel: 01254 585165) to discuss the required assessment methodology.

Air Quality

I recommend the following condition is imposed if the application is approved.

- Electric vehicle Charging - At least 1 electric vehicle charging point will be installed at the school. It will be mode 3, with a type 2 connector, and a minimum charging rate of 7 kW.

Reason: In accordance with 110 of the NPPF and the Council's Air Quality Planning Advice Note. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

Contaminated land

A colleague will provide separate comments relating to the contaminated land information submitted with the application.

Further comments;

With reference to the planning application I have the following comments and recommendations.

NOISE

The predicted noise levels aren't high enough to justify a refusal on noise grounds. However, noise from the children playing outside will be evident in neighbouring residential homes and gardens for extended periods. As with all noise assessments, there is some uncertainty associated with the predicted outcomes, particularly as there is no standard method for assessing noise from nurseries.

I have recommended the following noise related conditions, as I am mindful of the third aim of the Noise Policy Statement for England, which states that we should,

“Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise”

Condition: Noise Barrier

A scheme for a noise barrier on the western boundary of the ‘Play’ areas shall be submitted by the developer. The scheme shall be agreed in writing by the Planning Authority, implemented prior to commencement of the approved use, and retained thereafter.

Reason: To prevent a loss of amenity at neighbouring residential premises caused by noise

Informative: One option could be a high close boarded wooden fence with an agreed minimum mass. There shall be no gaps or opening at the base of the fence and along its entire length. The agreed height and its massing will be dealt with through a discharge of condition application in reference to Condition No. 14.

Condition: Numbers of Children

No more than 30 children at any one time shall use the outdoor areas labelled ‘Play’ on drawing 4279/XA05-003

Reason: To prevent a loss of amenity at neighbouring residential premises caused by noise

Condition: Hours Restriction

The use hereby permitted shall not operate outside the hours of 08:00 to 17:00 Monday to Friday. It shall not operate at all on Saturdays and Sundays.

Reason: To prevent a loss of amenity at neighbouring residential premises caused by noise

7.5 Contaminated Land Officer

It is my understanding that an application is in for this site but that it has not been determined at this stage. The following comments are aimed at providing an overview of the type of information which would be required by this Department in relation to contamination, should the contaminated land condition be attached to any Decision Notices going forward. It does not pre-empt any planning decision, and must not be interpreted as such.

I refer to the reports submitted with this application and entitled:

Phase 1 Investigate, Longshaw Infant School, Longshaw Community Infant School, Crosby Road, Blackburn, BB2 3NF. Phase 1 Detailed Desk Study 07 August 2020

Phase 1

This Phase 1 concludes in the conceptual site model that ground gas is “*Unlikely, due to limited made ground deposits across the site and a lack of landfill sites within influencing distance. There are no records of organic rich drift deposits (e.g. peat) underlying the site and within the surrounding area.*” Yet it then goes on to conclude that ground gas monitoring is required. A CSM should identify potential pollutant linkages and then recommend investigation where a significant risk of a PPL is identified. In this case none was identified and yet ground gas monitoring was the recommendation. As regulators we always welcome a precautionary approach and carrying out monitoring where it is unclear where it is required. However this can lead to issues and expenses at a later date.

Phase 2

Ground Gas

As with the Phase 1 the Phase 2 reviews the CSM already completed above and identifies no significant ground gas sources. Yet it concludes ground gas monitoring should be carried out. When this was completed, the slightly elevated gases and flows measured were considered not to be representative as there’s no local ground gas source. The report states that “*Following guidance set out in CIRIA C66537 and BS848538 peak methane and carbon dioxide concentrations have been used in the gas risk assessment. In addition, and as per guidance, flow rates were measured first.*”

- If measured first had these flow rates achieved steady states?

The report goes on to suggest the measured flows are not representative because “*The shallow groundwater and measured variability are the likely cause of the variable positive and negative flow readings - i.e. a 'piston effect'.*” This maybe the case, but wouldn’t measuring a steady state flow account for this?

- Can the authors clarify whether the flows measured were representative of flows produced by gas and if not, can we discount the possibility of gas flow without further monitoring?

Sites such as this, where there is no obvious significant source of ground gas but where some landfill gas just in exceedances of 1-5% and some flow is detected are common. A relatively recent paper by Wilson et al 2019 entitled “*Risk and reliability in gas protection design – 20 years on: Parts 1 and 2*” was written in an attempt to address the over use of CS2 measures on sites such as this one where there is no obvious source of ground gas but it does come with a list of specific requirements before it can be applied. These include, as well as other factors, that there should be no on site ground gas source and, ideally continuous gas monitoring should be carried out. This isn’t always available and we recognise that this is just a scientific

paper and has not yet been incorporated into the guidance. However the paper maybe of some use.

Soil Contaminants

A few elevations compared to assessment criteria are quoted. However the site end use does not appear to be defined? Section 1.1 of the phase 2 states *"the site may be developed for a residential end use and that appropriate site investigation and risk assessment works are in place to allow conditional approval of any future planning application."* This doesn't define whether the end use criteria used were for residential with gardens or something else. It is our understanding that the proposed end use for this application is not residential but a school. Exceedances of appropriate assessment criteria are referred to in the text and reference is made to details in Appendix G. However, as far as I can see, Appendix G only lists all the available ACs for every land use and doesn't include specific of which were used here? Page 1 of the report mentions the site maybe developed for residential as does page 12, however later in the report the end use is defined, correctly, as a school. Section 6.2.2. includes a table of measurements that exceed the relevant assessment criteria, but doesn't define what these are? It refers to Appendix G, which shows all the available end use assessment criteria. It maybe that I have missed somewhere in this large report where the end use criteria was defined conclusively and which assessment criteria were used, how much these were exceeded by etc.

- Please clarify the appropriate end use and make it clearer whether the appropriate ACs have been exceeded and if so by how much.

Various arguments are then given to discount the exceedances of soil contaminants measured which on the face of it seem reasonable. However, before I comment further please clarify the above which will allow better assessment of the size of exceedances etc.

Conclusions

Overall I do not consider this site a particular high risk site and if the small questions above can be addressed, the pre-commencement condition should be relatively easily discharged. Whether the prior to permitted use can also be discharged at that stage depends on answers to the above bulleted questions, which in turn will define whether any remedial measures need validating.

As stated above, we would always encourage applicants to submit a comprehensive Phase 1, completed by an appropriately qualified and experienced consultant, to this department and await our review before commencing any expensive Phase 2 Intrusive Investigations. In cases such as this, where there is no obvious ground gas source, we would not have insisted on ground gas monitoring. As regulators we always welcome a precautionary approach of carry out gas monitoring regardless. However, the problem is then if gas and flow are detected expensive gas protection may then be required. In this case the consultants argue that, since there is no obvious source of ground gas, the levels of gas and flow measured can be

discounted. However that is a circular argument, since if there was no obvious source of ground gas and no significant pollutant linkage why complete monitoring in the first place?

As such, were this application to be successful, **I would recommend both of Blackburn's standard contaminated land conditions be attached to any resulting Decision Notice.**

I trust this clarifies this Departments position. Should you require any further information, I can be contacted at the above number, or alternatively email david.johnson@blackburn.gov.uk.

I would take this opportunity to reiterate that the responsibility for the safe development of the site rests with the developer. Actions or omissions on their part may lead to liability being incurred under Part IIA of the Environmental Protection Act 1990. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

7.6 BwD Cleansing

No objections.

7.7 BwD Property

Property management do not have any objections to the planning application.

7.8 United Utilities

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We would be grateful if the applicant can submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum. We would also ask that the applicant provides an indicative foul & surface water drainage strategy. We request that this information is submitted for our review and comment prior to the determination of this application. On receipt of this information we will be able to provide further comment.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

The applicant can discuss any of the above with Developer Engineer, **Gary Jaundrell**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the

Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

7.9 Childrens Services

No comments.

7.10 Tree Officer

As discussed, if this application is to progress from a tree point of view, I would need to see a revised design layout plan that shows minimal encroachment into the Root Protection Area (RPA). Reference to the specialist foundations should also be highlighted on the plan.

The Arb Consultant would then incorporate the layout into an Arboricultural Method Statement (AMS) that includes a Tree Protection Plan. Issues to be covered are: Details for any minor Facilitation Pruning, Ground Protection Boards and Fencing locations. Other points to be covered include, the type of Play Area surfacing within the RPA and any other potentially damaging activities proposed in the vicinity of the two trees to be retained.

Typically, an AMS would include the need for a pre-commencement site meeting with the Council's Tree Officer and the Developer and/or Site Foreman.

Jamie, if you are minded to approve the application, a landscaping condition could be set to mitigate the loss of the trees near the entrance.

Final comments;

All the relevant points regarding trying to protect the trees during the construction phase have been covered in detail. The method statement points out the need for a pre-commencement site visit with an arb consultant and/or a tree officer from the Council, I can be made available for this.

If when summing up your comments please can you highlight the need for the development to be carried out in accordance with both Arb documents, particularly the Tree Protection Scheme that would be appreciated.

7.11 Ecology – GMEU

Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Protected Species

The small footprint of the development, located on amenity grassland is such that the likelihood of any negative impacts on any protected species is very unlikely. In addition, no evidence of any such species was found during the ecological appraisal or suitable habitat and no evidence found of any such species nearby from local records. I am satisfied that no further information or measures are required.

Nesting Birds

Three trees are located within the development site. All appear avoidable ie could be retained and no mention is made within the arb. report that the trees require removal. They are not however shown on the proposed site layout. They appear low risk in terms of providing bird nesting habitat, based on the photographs. I am therefore satisfied that all that is required is an informative should tree removal occur.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will

result in a small area of amenity grassland and potentially up to tree native trees with associated bird nesting habitat. If trees are to be lost, I recommend mitigation is provided in the form of native tree planting such as silver birch. I would also recommend the provision of one bird box on the new build, ***the details can be conditioned.***

7.12 Public Consultation

Neighbourhood consultation letters were sent out on 9th November 2021, to 41 properties surrounding the application site. A further re-consultation letter was sent out on the 11th February 2022 to these addresses notifying them of amendments to the scheme. In addition, a site notice was displayed on Crosby Road. In response to the public consultation, 4 objections were received, two of which were from the same address. A summary of the representations can be found under section 10 of this report.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 04 February 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Mr J A Roberts, 15 Crosby Road, Blackburn, Received 15.11.21

I wish to register my objection to the referenced planning application. As from my signature you can tell I live in close proximity to said nursery. I get screaming kids all day and parents parking where they like blocking the junction of Crosby/Manxman rd's and peel close dropping off and collecting, combine this with the school at the other end and parking for residents is a nightmare, junctions, pavements, drop kerbs etc mean nothing to these road users. We've had police and parking enforcement occasionally doing drop by's but never at the main times when nuisance is caused. Ive been here nearly 5 years now and ive heard and witnessed crashes and fights between motorists vying for parking spots. An increase of places will only mean an increase of selfish parents.

Objection – Mr J A Roberts, 15 Crosby Road, Blackburn, Received 17.01.22

Thank you for the updated letter regarding the planning application for Longshaw Infants School and for my input.

My reservations and objections for this still remain the same as under the previous application and my response to that application. Wholly around parking issues, especially around pick up and drop off times. Crosby Rd is a single width road from the school to the junction of Peel Close and onto Manxman Rd due to parking of teachers and support staff at the main school at the far end. On many occasions I've had to park near to peel close, but then if I have a load of shopping to carry to my home its detrimental to my health I am semi disabled with a vehicle and if I go out I have to stay out till at least till after the school has closed and the early nursery traffic has cleared. Its also bad with the chip shop and hairdressers parking up the kerbs on junctions. There is also a noise issue with Kids although playing are screaming during warmer weather when most are outdoors and my windows are open. Under GDPR I cannot speak for my direct neighbours but many are of a similar opinion. Maybe visit the area at peak times and gauge the problems caused during the week, unthoughtful parking clogging up junctions, blocking drop kerbs for emergency access as I said visit and see.

Thank You

Objection – Miss Gillian Kendal, 55 Peel Close, Blackburn, Received 24.01.22

Dear Sir/Madam,

I am writing regarding the planning application for Longshaw Nursery school Ref: 10/21/1210.

I have a few issues I am concerned about.

A) the amount of traffic which will try to drive down to Longshaw Infant School which is a cul-de-sac. It already has issues with parking,. On numerous occasions the traffic wardens have had to be present which traffic moves when they see them then day after the problem reoccurs. As it stands now some cars drive on to peel close to walk up the gunnel to get to the infants. I fell this will get more traffic once the nursery is moved.

B) where are the staff from the nursery school going to park, as there is inadequate parking for the infant school staff now,

C) I feel it may block the light to our houses. There would also be a loss of privacy with it overshadowing our gardens,

D) will there be enough room for the children to play out and have equipment to play on i.e. a climbing frame & slide. also a grassy area to play on, at the nursery they have currently loads of space, once the nursery is built by looking at the plans it doesn't seem to have adequate space for the amount of children the nursery will have for outdoor activities.

E) what about the trees that are currently on the grass near the bottom fence will they be staying or being removed. Also on the corner of the grass near trees when it rains the grass floods & in the summer the ducks frequently visit. Also in concern the affect it will have on the wildlife that visit the trees i.e. birds, squirrels etc.

would it not be more feasible for the land in between the infants & Nursery school to be used for a new nursery as it was once a nursing home the land would be big enough for a nursery, a play area and a car park to accommodate staff from both schools. The land is also large enough to extend in the future when more children who need to attend these schools due to a growing population & housing development in the area rather than over developing the current infant site.

I look forward to hearing from you.

Objection – Caroline Singleton, 57 Peel Close, Blackburn, Received 24.01.22

To whom it may concern

I have recently been sent a letter regarding full planning application for the erection of a single storey nursery building to be built on the property/grounds of Longshaw Infant School, Crosby Road, Blackburn BB2 3NF.

I wish to raise a number of concerns regarding this development.

Although this is a single storey building, along with its roof it will be of some height and this will block light entering nearby properties. There also seems to be a small playground which appears to be even closer to the nearby properties. This will obviously affect neighbours with noise disruption which will depend on the opening times of the nursery. Having screaming nursery children from 8am until 6pm, five days a week is bound to have an effect on a person's wellbeing.

I am not sure you have fully taken into account the amount of wildlife that use the trees that are situated near to where the planned playground will be (providing the trees are staying). I see numerous species of birds frequenting the trees on a daily basis including a woodpecker (not as often). Squirrels can often be seen in the trees and on the ground burying their nuts. It would be a shame to take this land away from them. The far corner of the grass gets waterlogged when we have extra rain and is visited by a small group of ducks every year that sit in the makeshift pond. All this will be lost if the nursery is built on this land.

The current access to the infant school is quite poor as it is with many parents choosing to drive their children to school. The school is situated on Crosby Road which is a cul-de-sac. However, many parents chose to drive down the narrow cul-de-sac to drop their children off. The road gets grid locked which is already a danger to children. Having both schools at the end of one cul-de-sac will cause mayhem.

Having been inside the current nursery school, the new single storey building appears to be much smaller with a much smaller play area. I thought the need to build a new nursery would be to cope with a growing population therefore it would make sense for the building to be larger, or have the scope to extend. If in the future, when it is realised that an extension is needed, we would this go. The only option would be to then build upwards.

There is also the problem of parking. There are currently not enough parking spaces on the car park for the staff already working at the infant school and they have to park along the road. Where do you propose the nursery school staff park as they currently have their own car park which does not appear to be on the plans for the new nursery building. The parents driving their children to nursery school would also need to park when dropping their children off and I feel they would be encroaching the nearby estate, Peel Close. This is also a cul-de-sac. There is already an ongoing problem with parents from the infant school parking outside peoples homes and blocking driveways and feel that this would create an even bigger problem with high traffic congestion on what was a quiet little estate.

There is a large plot of land between the current nursery and infant school and feel it would make more sense to build the nursery school on land where there was once already a building, along with adequate car parking.

I hope you investigate these concerns fully and I await to hear from you.

Kind regards