

**Proposed development: Full Planning Application (Regulation 4) for Installation of 2.4m high anti-climb green mesh fencing and passenger gates to replace the existing fencing**

**Site address:  
Ashworth Nursery School  
Addison Close  
Blackburn  
BB2 1QU**

**Applicant: Ashworth Nursery School**

**Ward: Wensley Fold**

**Councillor David Harling  
Councillor Sabahat Imtiaz  
Councillor Qesir Mahmood**



## **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 the submission is from an employee of Blackburn with Darwen Borough Council. The planning application has been submitted under Regulation 4 of the Town & Country Planning Regulations 1992.
- 2.2 The proposal seeks to replace the existing varied boundary treatment along the buildings frontage with a new 2.4m high green mesh fencing with passenger gates. The rationale behind the proposal is to create a more secure environment for children and staff, and an improved security following instances of anti-social behaviour during non-operational hours.
- 2.3 In summary, assessment of the application finds the proposal is acceptable and beneficial, with all material planning considerations and issues having been addressed throughout section 4 of this report.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site relates to Ashworth Nursery School which is positioned at the end of the residential cul-de-sac, Addison Close, within the Blackburn Inner urban Area. The proposal site comprises of a single storey detached building with associated playground areas to the east and south elevations. Two entrance/exit points are sited along western boundary.
- 3.1.2 To the east and adjoining the site is St Barnabas and St Pauls Church of England Primary School. The wider area is characterised by residential and a mix of commercial uses. Figure 1 presents an aerial view of the application site and its surroundings.

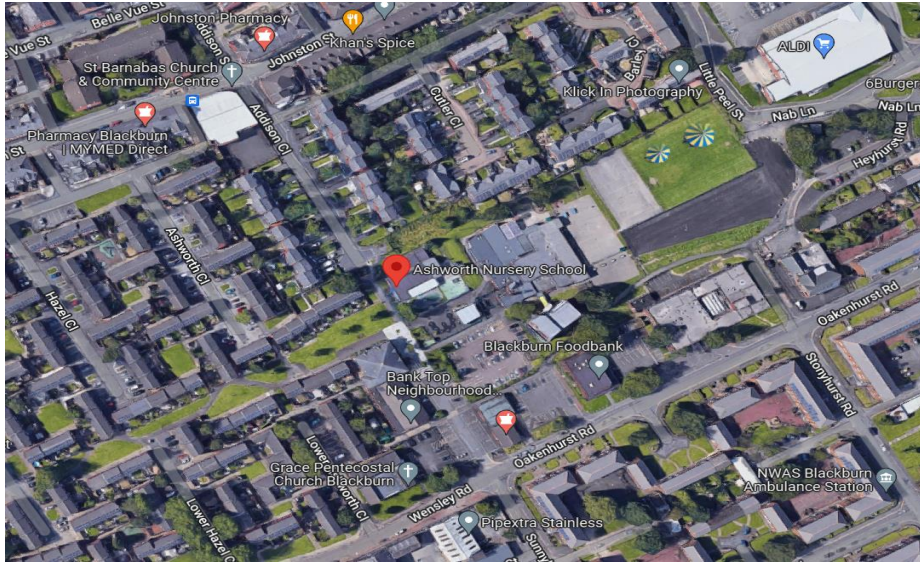


Figure 1: Google aerial view of the application site

### 3.2 Proposed Development

3.2.1 Planning permission is sought to replace the existing fencing along the north and west boundaries of the site. As noted in the submitted D & A statement the existing arrangement to the front of the building consists 'of a mixture of blue mesh panel fencing/posts including 2 no passenger gates, blue railings including 1 no passenger gate and green railings currently situated between brick piers, all at differing heights.

3.2.2 The proposed fencing would have a green weld-mesh construction with an overall height of 2.4m above ground level. The proposal also includes the installation of 3No. pedestrian gates clad with matching green mesh to the fence in the existing gate locations.

3.2.3 Figure 2 shows the proposed site plan highlighting in green the extent and siting of the replacement fencing. Figure 3 demonstrates the submitted elevation drawings for the fence panels and pedestrian gates.

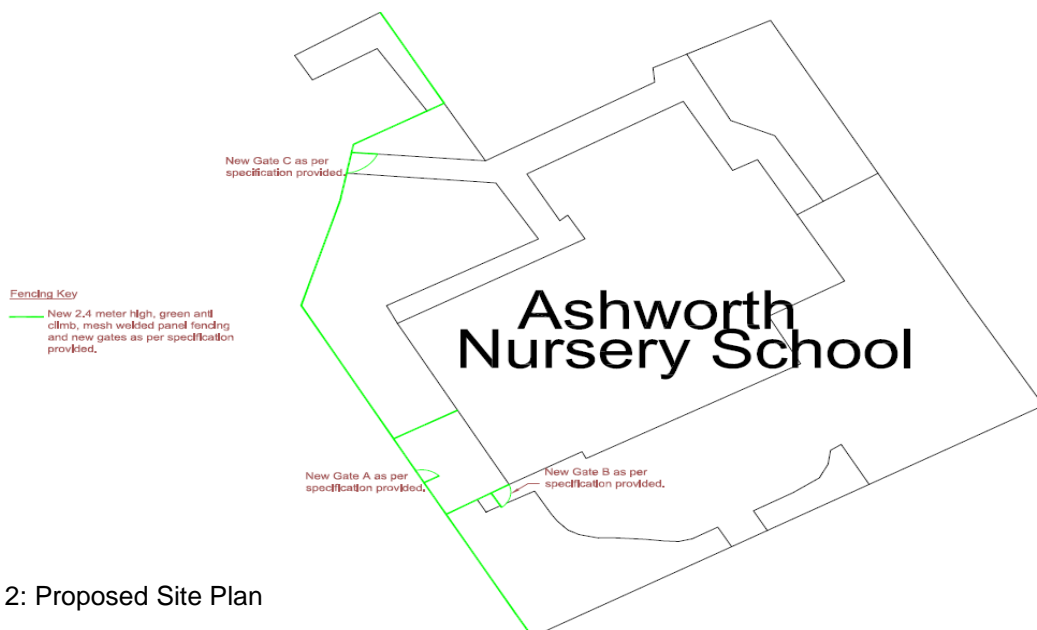
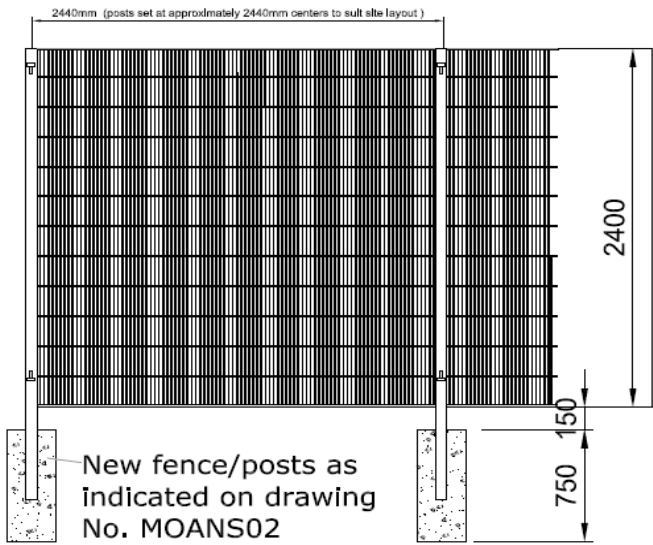


Figure 2: Proposed Site Plan



### SIDE ELEVATION (2.4m FENCE)



### PEDESTRIAN GATE ELEVATION 1.2M

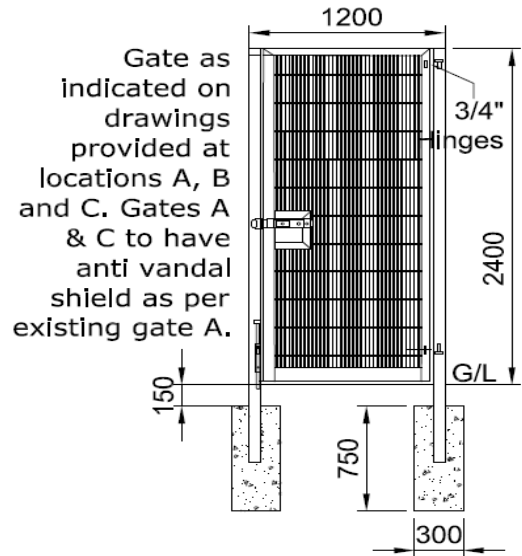


Figure 3: Proposed Fence and Pedestrian Gate Elevations

### 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 CS16 – Form and Design of New Development

#### **3.4.4 Local Plan Part 2**

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

### **3.5 Other Material Planning Considerations**

#### **3.5.1 National Planning Policy Framework (NPPF)**

## **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

#### **4.2 Principle of Development**

4.2.1 The principle of the development is accepted, in accordance with the presumption in favour of sustainable development detailed in the NPPF and LPP2, Policy 7, which proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

#### **4.3 Residential Amenity**

4.3.1 Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses; with reference to

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

4.3.2 Surrounding residential properties are not unduly affected by the proposal. This is due to the siting of the proposed boundary treatment and ample distance to those adjacent dwellings on Addison Close and Ashworth Close.

4.3.3 The proposed replacement fencing would therefore not unacceptably impact upon the amenity of nearby occupants, in accordance with part ii) of Policy 8.

4.3.4 The proposal will also be beneficial in reducing anti-social behaviour and improving community safety, thus according with point v) of Policy 8.

#### 4.4 Design / Visual Amenity

4.4.1 Policies CS16 and 11 requires development to present a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

4.4.2 The replacement fencing will comprise of a 2.4m high weld mesh fence finished in green which will be positioned along the northern and western perimeter of the site. The proposal will continue to enclose the nursery grounds, thus safeguarding the children within the nursery area. However, it is also considered essential to provide increased security by virtue of raising the height of the existing boundary treatment to help solve the ongoing issue of trespassers and vandalism outside the nursery's opening hours.

4.4.3 The existing boundary treatment is varied in style / design with blue mesh fencing, blue railings and green railings between brick piers. As such, the proposal which seeks the installation of a consistent fence/gate type is considered to enhance the overall appearance of the proposal site and street scene.

4.4.4 It is also recognised this particular design of fencing is commonly used throughout nursery and schools within the borough. This point is emphasised by a recent planning approval (ref.10/21/0226) at the adjoining St Barnabas and St Pauls C of E Primary School for the exact same fencing under assessment in this application. On that basis, the proposed fencing at Ashworth Nursery School will integrate well with its setting, and thus would not harm visual amenity.

4.4.5 The proposal is considered acceptable from a design/visual perspective, in accordance with Policies CS16 and 11 of the Development Plan.

#### 4.5 Highways

4.5.1 Point 3 i) of Policy 10 indicates that development will be permitted providing that road safety and the safe, efficient, and convenient movement of all highways users (which includes pedestrians) is not prejudiced.

4.5.2 The positioning and design of the fence (meshed nature) ensures the proposal does not conflict with users of surrounding footpaths.

4.5.3 Compliance with Policy 10 is therefore achieved.

## **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. MOANSF00 – Location Plan – Received 28<sup>th</sup> April 2022
- Drawing No. MOANSF02 – Proposed Fencing Works; and
- Drawing No. MOANSF03 – Details Fencing Works – Received - Received 22<sup>nd</sup> April 2022

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

3. The fencing and gates hereby approved shall be installed powder coated in 'Green RAL6005' unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the external appearance of the development is acceptable, in the interests of good design and safeguarding visual amenity, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

## **6.0 PLANNING HISTORY**

- 10/12/0462 - Proposed single storey extension. Approved, 16/07/2012. Delegated decision.
- 1012/0835 – Replacement fencing to front elevation. Approved, 12/10/2012. Delegated decision.

## **7.0 CONSULTATIONS**

### **7.1 Statutory Consultation**

## 7.2 BwD Property

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

## 7.3 Public Consultation

Neighbourhood consultation letters were sent out on 29<sup>th</sup> April 2022, to 10 properties surrounding the application site. In addition, a Site Notice was displayed on 12<sup>th</sup> May 202 positioned on Addison Close. In response to the public consultation, no comments or objections have been received.

**8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer**

**9.0 DATE PREPARED: 27 May 2022**