

Proposed development: Full Planning Application (Regulation 3) for Extension to existing staff and visitor car park

Site Address:

**Roe Lee Park Primary School
Emerald Avenue
Blackburn
BB1 9RP**

Applicant: Blackburn With Darwen Borough Council

Ward: Roe Lee

**Councillor Saj Ali
Councillor Sylvia Liddle
Councillor Phil Riley**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's constitution, on the basis that Blackburn with Darwen Borough Council is the applicant.
- 2.2 The proposal seeks to ease existing parking issues at Roe Lee Park School, and this is supported in principle. The proposed scheme would deliver 14 additional parking spaces. As originally submitted, the proposal included a new key fob operated barrier at the access, but this element of the scheme has now been omitted.
- 2.3 The scheme is considered acceptable from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.4 The key issues to be addressed in determining this application are;
- Principle of development
 - Highways / Parking
 - Trees / Landscaping
 - Ecology / Bats
 - Biodiversity Net Gain (BNG)
 - Design and visual amenity
 - Residential amenity
 - Drainage

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a Council owned school, within the Urban boundary of Blackburn, identified as Green Infrastructure, and within a Coal low risk area.
- 3.1.2 The school premises are located on the south side of Emerald Avenue. The surrounding area is residential in character, with dwellings on all sides of the school site, and the A6119 adjacent the school field to the east.

Figure One – Satellite image of the site



3.1.3 There are 2 access points serving the school from Emerald Ave, both of which run between rows of houses. The westernmost access is used for vehicles, whilst the one further to the east is pedestrian access only. Presently there are 2 parking areas inside the school grounds, one to the north of the school (to the rear of the houses on Emerald Ave) and one to the west of the school, to the rear of the houses on Beryl Ave.

3.1.4 There is presently an area of open space (a grassed area, with various trees, and a footpath running through it) which acts as a buffer between the school building, and the rear gardens of the houses on Beryl Ave. Part of this open space area would be used to create the proposed additional parking spaces.

3.1.5 Figure Two – Existing site plan and parking areas



3.1.6 The northern car park is shown on the left of the image above, and the western car park is shown on the right. The area of open space inbetween the two existing car parks is where the new / additional car parking area would be created.

3.2 Proposed Development

3.2.1 This planning application involves the creation of 14 additional parking spaces on part of the open space along the west side of the school, increasing the on

site parking provision (including spaces retained) from 23 spaces (as existing), up to a total of 37 spaces (as proposed). An additional Disabled Bay would also be provided, and a dedicated area for cycle storage.

3.2.2 The existing access and hard standing areas comprise precast kerb edging with a macadam finish. The proposed materials are pre cast kerb, with grass-crete paver. The footprint of the existing macadam car park is approximately 103sqm, and the proposed extended footprint would be circa 174sqm (an additional 71sqm).

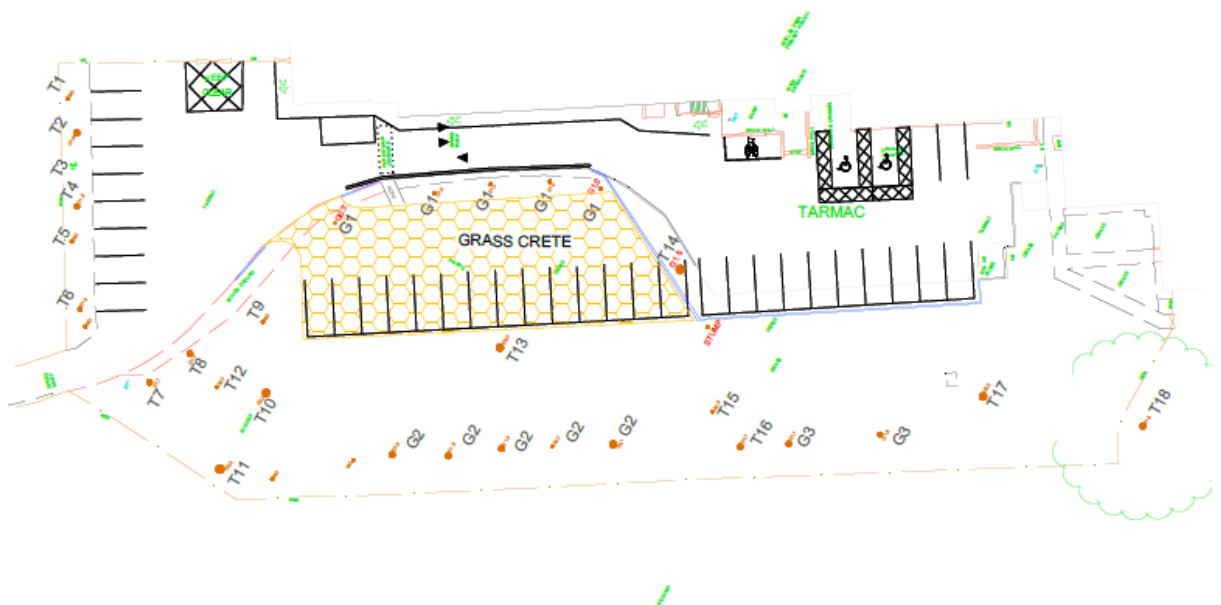
3.2.3 The proposed new spaces would not encroach any closer to the existing residential dwellings on Beryl Ave to the west than the existing parking spaces, thereby retaining some of the natural buffer along the western edge of the site. 3 existing Cherry trees would need to be removed to facilitate the development, however the vast majority of trees would remain in situ. There would also be further mitigation planting / landscaping.

3.2.4 At the time of this report, further specialist reports are awaited in relation to:

- Ecology / Bat / Biodiversity (including BNG) survey / Landscaping / mitigation planting.
- Surfacing / Tree Protection / Method statement, to include levels.
- Cycle shelter detail.

These reports and consultation responses will be presented via the update report.

3.2.5 Figure Three – Proposed site plan



3.3 Case Officer Site Photos



Photos taken looking in a southerly direction, into the site (from the north). This is the vehicular access from Emerald Ave.



Photos taken looking in a northerly direction, (from the south). The rear elevations of properties on Beryl Ave to the west can be seen on the left.

3.4 Relevant Planning History

- 10/03/1180 - Proposed Reception Classroom Extension and public reception with glazed corridor link and external play area.
- 10/08/0753 - Provision of new 1.2m and 1.8m high perimeter fencing and gates to boundary of school land.
- 10/10/0767 - Erection of a single storey extension to Nursery.

3.5 **Development Plan**

3.5.1 Core Strategy:

- Policy CS15: Protection and Enhancement of Ecological Assets
- Policy CS16: Form and Design of New Development
- Policy CS19: Green Infrastructure

3.5.2 Local Plan Part 2:

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

- Policy 38: Green Infrastructure on the Adopted Policies Map

3.5.3 Other material considerations:

- National Planning Policy Framework (NPPF)
- Design Supplementary Planning Document (SPD)

4.0 ASSESSMENT

4.1 Principle of development

- 4.1.1 The site lies within the urban boundary of Blackburn, where Policy 1 of the Local Plan supports new development in principle.
- 4.1.2 Policy CS19 of the Core Strategy and Policy 38 of the Local Plan explain that the Council's overall objective in relation to Green Infrastructure is to develop a more connected network of open spaces. New development should not adversely affect the functioning of an area of open space as part of the Green Infrastructure network.
- 4.1.3 The proposal involves the creation of additional parking spaces to ease parking congestion at the school. The proposal would not adversely affect the function, or wider connectivity of the Borough's Green Infrastructure, and is in compliance with Policy 1 and 38 of the Local Plan. The proposal is therefore considered acceptable in principle, subject to a balanced assessment of the specific impacts.
- 4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, development proposals should proceed without delay, unless there are impacts identified which significantly and demonstrably outweigh the benefits of the proposal. These are assessed in more detail below.

4.2 Highways and Parking

- 4.2.1 Policy 10 of the Local Plan seeks to ensure that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.
- 4.2.2 The proposal seeks an additional 14 parking spaces, increasing the existing on site provision (including spaces retained) from 23, to 37.
- 4.2.3 The Council's Highways consultee raised no objections. Whilst initial concerns were raised about the previously proposed fob controlled barrier (i.e. if access was denied, that would lead to vehicles having to reverse out of the single track lane onto Emerald Ave). However, this element of the proposal has now been omitted from the scheme in its entirety, thereby addressing the Highway Officer's concerns.

- 4.2.4 The only other comments raised by the Highways consultee were that both the existing and proposed surfacing should be level across the carpark. The applicant has responded to this, clarifying that *“Having spoken to our Highways team they have advised that there is no issue regarding the levels. The levels will be in tolerance with existing site levels and the requirements of the proposed surface of the extension.”*
- 4.2.5 In conclusion, the proposal would relieve existing parking issues at the school and would not compromise servicing requirements or the manouvering of vehicles within the site. The proposal would therefore have a positive impact on highway safety. The additional parking spaces would be to the benefit of school staff and visitors, and would be likely to reduce the amount on street parking in the immediate vicinity, and helping to relieve local congestion. The specific details of the cycling provision can be secured by condition.
- 4.2.8 As proposed, the development is therefore considered acceptable in relation to highways and parking, in accordance with Policy 10 and the Framework.

4.3 Trees and Landscaping

- 4.3.1 Policy 9 of the Local Plan seeks to protect the environment. It is expected that wherever possible, new development will incorporate existing trees into the design and layout of the scheme, and where this cannot be achieved, that suitable mitigation planting is secured.
- 4.3.2 There are numerous mature trees within the site, including a number of trees within the open space buffer on the western side of the site, mainly Cherry trees, where the new parking area would be located. Therefore, to accompany the application, the applicant submitted an Arboricultural Constraints Appraisal, Prepared by Bowland Consultancy, Project No.: BTC2500 Version 1, dated 21 June 2022. (including Temporary Protective Fencing Specification).
- 4.3.3 The scheme proposes to remove 3 Cherry Trees, and replace these at a 2:1 ratio, with the detail of species yet to be determined. An existing stump would also be removed to facilitate the car park construction. The Council's Arboricultural Officer raised no objections in terms of the proposed tree removal, commenting that the trees to be removed are not in good condition (including most of the other Cherry trees, too) and that they have a limited useful life. Their removal would therefore not lead to any significant loss of amenity. The loss of these trees can be compensated through further planting and protection of the remaining trees. Whilst the finer detail of tree protection measures, and compensation planting / landscaping have not been provided thus far, these details can be secured by condition.
- 4.3.4 Notwithstanding the above comments, the Council's Arboricultural Officer also raised concerns that a combination of establishing levels and installing the proposed surfacing (i.e. the proposed permeable sustainable material such as Grasscrete, or similar) could potentially damage the roots of the rooting area of a mature Horse Chestnut tree (T13).

- 4.3.5 The sub-base material is therefore important to ensure there is a permeability for tree rooting areas. The Arboricultural Officer advised that the proposed car park surfacing (i.e. 'Grasscrete', or similar) is rarely successful in establishing an affective grass sward, particularly if there is shading from trees, resulting in a patchy appearance between visible concrete. In light of these concerns, the applicant has commissioned a further tree survey (Part 2) and is considering alternative surfacing instead of Grass Crete, such as the use of GeoWeb tree route protection system.
- 4.3.6 On the information presently available, the Arboricultural Officer advised that a condition should be attached for a method statement for the installation of the car park, to include levels. It is also considered appropriate to attach a condition for clarity of the proposed surfacing, to ensure the most suitable permeable surfacing is used for this scheme, and to minimise impacts on existing trees, whilst also ensuring the surfacing is suited for traffic and including refuse collection and emergency vehicles. BwD Highways have indicated that either Grasscrete or GeoWeb would be acceptable from a highways perspective.
- 4.3.6 With the aforementioned conditions as safeguards, the proposal would have an acceptable impact on trees / landscaping, and complies with Policy 9 of the Local Plan. The amenity impacts of the proposal are therefore considered acceptable.

4.4 Ecology / Bats

- 4.4.1 Policy 9 of the Local Plan requires development proposals to not lead to unacceptable impacts on environmental assets, including protected species such as bats.
- 4.4.2 A detailed ecology report was submitted with the application (Bat Survey Report, Bowland Ecology, Final report, Job no. BOW17_1343, version 1 dated September 2022), which includes general mitigation and habitat enhancement measures. However the report did not cover the proposed works, and referred instead to works to the school building, which was an oversight. The applicant has commissioned a new, bespoke Ecology / Bat survey to be undertaken by a suitably qualified professional, which will include any impacts on protected species / habitats, and any necessary mitigation measures.
- 4.4.3 Subject to the findings of the Ecology / Bat survey being acceptable, the proposed development would be acceptable, and in alignment with Policy 9 of the Local Plan.
- 4.4.4 However, the aforementioned Ecology Report will be required prior to determination of the application. **This is fundamental to the acceptability of the application, and further detail will therefore be provided in the Update Report.**

4.5 Biodiversity Net Gain (BNG)

4.5.1 Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment.

4.5.2 The trees would be replaced at a ratio of 2:1 and acceptable biodiversity enhancement would likely be achieved, in line with the Framework. Further detail from appropriate professional consultants is being prepared. In any case a condition can be attached to ensure Biodiversity Net Gain (BNG) in accordance with the requirements of the Framework.

4.6 Design and visual amenity

4.6.1 In general terms, Policies CS16 and Policy 11 of the Local Plan require development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. Those requirements are reinforced by the Design SPD.

4.6.2 The proposal would be appropriate for its setting, and would leave a relatively large area of open space and trees. There would not be any unacceptable detrimental impact on visual amenity as a result of the proposed works. The proposed development thereby accords with Policies CS16 and Policy 11 of the Local Plan.

4.7 Residential amenity

4.7.1 Policy 8 of the Local Plan states that all development proposals should secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings. Those requirements are reinforced by the Design SPD.

4.7.2 The proposal would not result in the existing parking areas encroaching any nearer to the closest residential dwellings, along the western edge of the site. Furthermore, the bulk of the landscaped buffer (grass and trees) would remain in situ, and there would be further planting as part of the scheme, which can be conditioned. The proposal would not give rise to any unacceptable detrimental impacts in terms of amenity, and the development is considered acceptable, and in compliance with Policy 8 of the Local Plan.

4.8 Drainage

4.8.1 Policy 9 of the Local Plan states that development will be required to demonstrate that it will not be at an unacceptable risk of flooding.

4.8.2 Although the precise specification of the surfacing is yet to be determined, the proposed surfacing would be permeable, and there would not be any increased risk of flooding as a result of the proposal. Notwithstanding this, a condition can be attached to secure precise details of the surfacing.

4.8.3 The Council's Drainage team raised no objections, and the proposal complies with Policy 9 of the Local Plan and the NPPF.

4.9 Summary

4.9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.9.2 **This application is subject to receipt of an acceptable Ecology Report. Further detail will be provided in the Update Report.**

4.9.3 **Subject to receipt of the above**, the proposal is considered acceptable in principle, subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

That delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, 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 consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan: Dwg no. RP001, received 08/02/23.

Planning layout: Dwg no. CAF-RPS-PLAN-01, Revision A, received 30/05/23.

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

3. Notwithstanding the submitted details, full details of a secure, covered designated cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first use of the additional spaces hereby approved, and shall be permanently retained thereafter.

REASON: To ensure adequate facilities are provided to store cycles at the premises, to encourage active travel and to help reduce parking demand, in accordance with Policies 8, 10, and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2.

4. Prior to the commencement of any development on site, precise details of the permeable surfacing to be used in the construction of the car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

REASON: To ensure a suitable permeable surfacing material is used to minimise any impacts on existing and proposed trees and landscaping, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to the commencement of development on site, a Method statement for installation, to include levels, and tree protection detail, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details, including tree protection measures (including Temporary Protective Fencing Specification) around trees to be retained. Protective fencing shall be in accordance with BS5837:1991 'Trees In Relation To Construction'. The protective fencing shall remain in place for the duration of the site preparation and demolition and/or construction period, and no excavation, materials storage, waste disposal or other activities shall take place within the fenced-off area. The development shall proceed in full accordance with the approved details.

REASON: To secure the protection, throughout the time that the development is being carried out, of trees within or adjacent to the site which are of amenity value to the area, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to the commencement of development hereby approved, a landscaping scheme, to include mitigation tree planting, shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policy 9/40 of the Blackburn with Darwen Borough Local Plan Part 2, and to ensure the development includes measures to enhance biodiversity at the site and to

provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

7. A scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

REASON: To ensure the development includes measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

8. Vegetation clearance including trees, shrubs and undergrowth shall not take place during the breeding season (March - August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981).

REASON: To ensure breeding birds and their habitat are not disturbed, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2, and the Framework.

9. The construction of the development hereby permitted shall only take place between the hours of 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays, and not on Sundays or Bank Holidays.

REASON: In order to minimise disruptions for neighbours during the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 CONSULTATIONS

6.1 BwD Tree Officer

6.1.2 No objections.

I have inspected the site and considered the proposals with regard to the submitted arboricultural Constraints Appraisal which includes tree survey data.

The current proposal for the construction of the car park is using a permeable sustainable material such as Grasscrete or similar alternatives

The three Cherry trees to be removed are not in good condition (including other Cherries) and have a limited useful life. Their removal would not lead to any significant loss of amenity.

The proximity of the proposed 'Grasscrete' (or similar) has potential to impact on the rooting area of the mature Horse Chestnut T13. The proposed installation should not include any excavations below 200 mm i.e. removal of grass, turf.

The proposed car par area is gently undulating and there is a notable raise in level from the existing access to the application site surface. Establishing levels and the installation of the Grasscrete may conflict with the rooting area of T13.

The Design and Access Statement refers to MOT sub-base. The correct sub-base material is required to ensure there is a permeability for tree rooting areas. Suitable sub-base materials include, 4/20 and Type 3 sub-base.

The proposed 'Grasscrete' or similar, are rarely successful in establishing an affective grass sward, particularly if there is shading from trees, resulting in a patchy appearance between visible concrete. For these reasons it would be worth considering other alternative permeable surfaces.

Conclusions:

A condition for a method statement for the installation would be appropriate with any approval of the application. This should include levels.

6.3 BwD Drainage Team / Lead local Flood Authority

6.3.1 No objections.

6.4 BwD Public Protection

6.4.1 No objections.

6.5 BwD Highways

6.5.1 No objections in principle.

6.5.2 The following comments were offered prior to the proposed barrier being omitted from the scheme.

The proposed enlargement of existing carpark would allow for an additional 14 parking spaces and for improved manoeuvrability within the carpark area. The proposed layout would broadly account for a vast improvement for the school. However, there are several points that would require reconsideration.

The automatic pole barrier is proposed as being positioned to the entrance of the carpark at the end of a single-track lane, which is used to access the carpark from the public highway. The automatic pole barrier would allow fob access to permitted users. To enter the car park and to prevent unauthorised access into the site. However, this arrangement would lead to a reliance for unauthorised vehicles having to reverse onto the Emerald Avenue. In order to leave the premises, due to there not being sufficient space provided to enable those drivers to manoeuvre and leave the site in a forward gear.

The new kerbing appears to lead towards the existing kerbing adjacent to T14. Which appears to provide an upstand between the existing surfacing and the proposed grass create. It is recommended that both the existing and proposed surfacing is level across the carpark.

Conclusion

The local highway authority would raise no objection to the principle of the development proposal. However, to satisfactorily address any highway concerns. We request that the applicant reconsiders their proposal, in line with the abovementioned.

6.5.3 Upon receipt of the amended plans, showing the omission of the barrier that was previously proposed, BwD Highways have clarified that no objections are now raised.

I can now confirm that the proposal has addressed any highway concerns that were previously raised.

We would therefore raise no objection to the development proposal on highway grounds.

7.0 CONTACT OFFICER: Tom Wiggans – Planning Officer.

8.0 DATE PREPARED: 26th May 2023.

9.0 SUMMARY OF REPRESENTATIONS

9.1 17 neighbours were consulted and a site notice was displayed on 25/04/23.

9.2. 2 objections were received:

Objection – Ashley Gibson, 19 Beryl Avenue, Blackburn. Received: 24/04/2023

Dear BWD Council,

I am writing to oppose the current proposals in your letter regarding the extension to the existing staff and visitor car park.

I have asked numerous times with the school over the last 8 years about a specific issue, and nothing has been resolved.

I welcome further email conversation.

Many Thanks

Mr. Ashley Gibson

2nd Objection – Ashley Gibson, 19 Beryl Avenue, Blackburn. Received: 03/05/2023

Morning Tom,

My objections are as follows:

I'd like the trees cutting that overhang all gardens that back onto the school. I've asked and have always been met with do it yourself. Bit difficult when they're 60ft high. I have to pay for a brown bin every year yet I have no need for it. It's only due to the big trees in the school grounds.

I've proposed to the school countless times about the parking on the round and ideas that would help and advised that at some point a child will be seriously hurt due to the issues on Beryl Ave. Yet no attempt is being made on this, we as residents suffer and here we are with the school wanting to expand the staff and visitor car park. A requirement is needed to ensure the safety of the future generation actually get to school to be educated. I have plans I've anybody would like to discuss.

Now once the parking for parents is resolved that will resolve the littering and abandonment of cars on Beryl when parents are dropping their children off. Beryl gets littered lots and I'm sick and tired of picking it up although I'm teaching my kids about littering at the same time.

I thought I'd already sent this so apologies if you've had two reply's.

Kind Regards

Ashley Gibson