

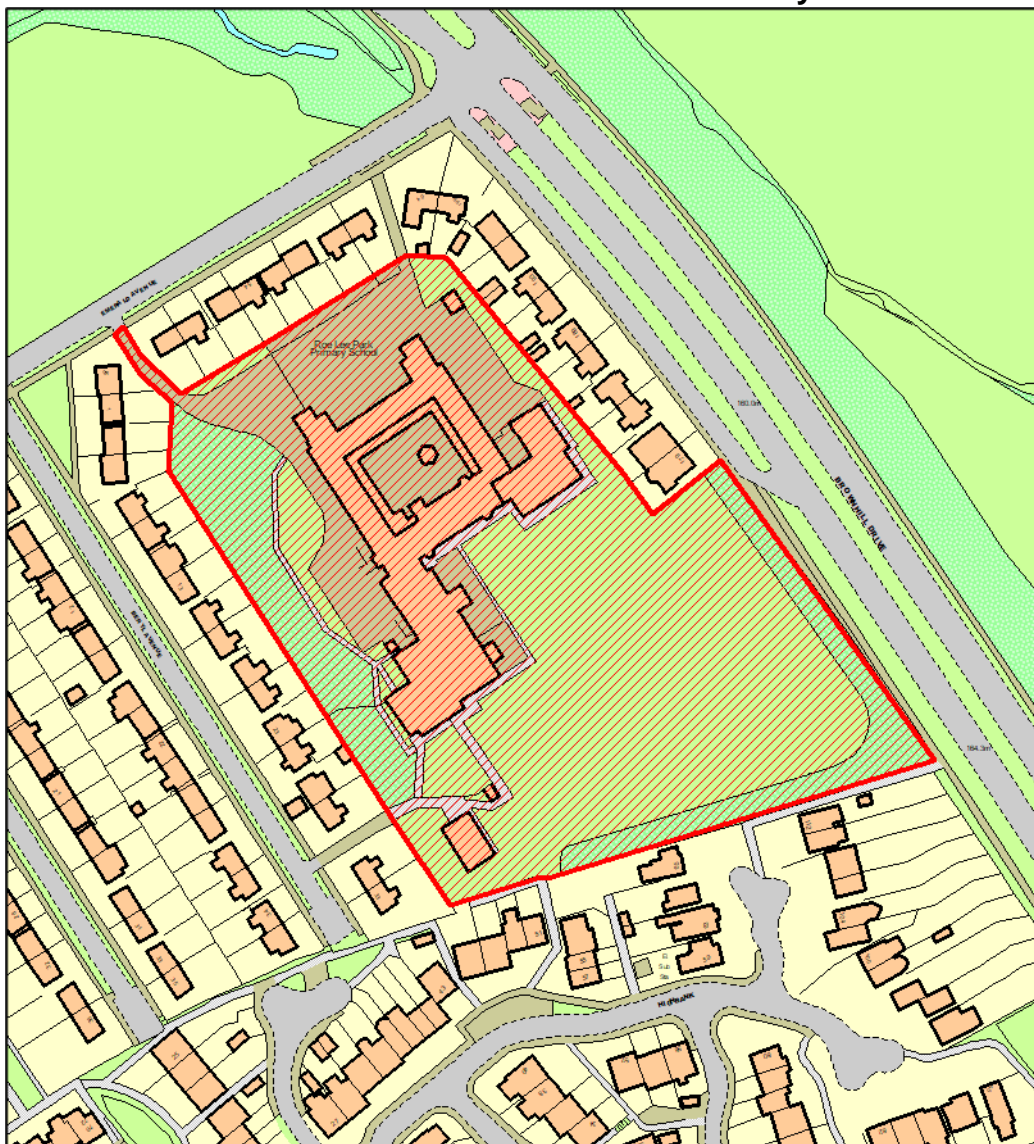
Proposed development: Full Planning Application (Regulation 3) for Replacement of existing 1m high wrought iron fence with a 1.8m mesh panel fencing including 1 No. singular pedestrian gate and 1 No double pedestrian gate

**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 APPROVE – Subject conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee on account of the Council's interest in the development, as the applicant, the landowner and the developer, under Regulation 3 of the 1992 Town & Country Planning Regulations.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's adopted Local Plan 2021-2037, through delivery of a development which would improve security at the school, whilst maintaining appropriate visual and residential amenity standards and protecting the natural environment.
- 2.3 The scheme is therefore considered acceptable, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is an established primary school located within the urban boundary of Blackburn, on the south side of Emerald Avenue. The surrounding area is residential in character, with dwellings on all sides of the school, and the A6119 adjacent the school field to the east.

3.1.2 The site location plan, and an aerial view of the site, are shown below in Figures 1 and 2.



Figure 1: Location Plan

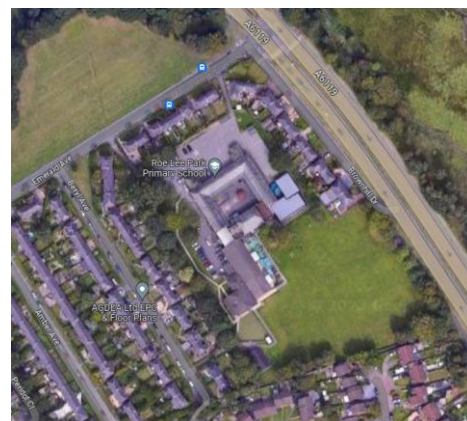


Figure 2: Aerial view of application site

3.1.3 There are 3 access points into the school grounds, all of which run between rows of houses. 2 of the access points are from Emerald Ave to the north, with

the westernmost access being a vehicular access, and the easternmost access being a pedestrian access. The other (pedestrian) access is from Beryl Lane to the west.

3.1.4 Site photos



Westernmost (vehicular) access from Emerald Ave (above)



Easternmost (pedestrian) access from Emerald Ave (above)



Pedestrian access from Beryl Ave (above)





Rear elevations of some of the properties on Brownhill Drive (above)



Front/side boundary of 179 Brownhill Drive (above)



Rear elevations of some of the properties on Emerald Ave (above)



Rear elevations of some of the properties on Beryl Ave (above)

3.2 Proposed Development

- 3.2.1 This application seeks replacement of 1 metre high wrought iron fencing with 1.8 metre high green mesh panel fencing, to match the other sections of the existing school boundary treatment. The sections of 1m high fencing which would be replaced comprise the whole of the northern boundary (adjacent the rear gardens of properties on Emerald Ave), and parts of the western (adjacent the rear gardens of properties on Beryl Ave) and eastern (adjacent the rear gardens of properties on Brownhill Drive) boundaries.
- 3.2.2 In some places, the existing fencing is the only boundary treatment to the adjacent residential gardens, whilst in other places there is also traditional garden fencing directly adjacent to it (e.g. 1.8m high timber fencing).
- 3.2.3 The proposed sections of new fencing are indicated as a green line in the proposed site plan (Figure 3), below. The southern half of the school (adjacent the school playing field) already has 1.8m high fencing in place, and as a result of this proposal the higher fencing would encircle the whole school site, thereby improving site security.

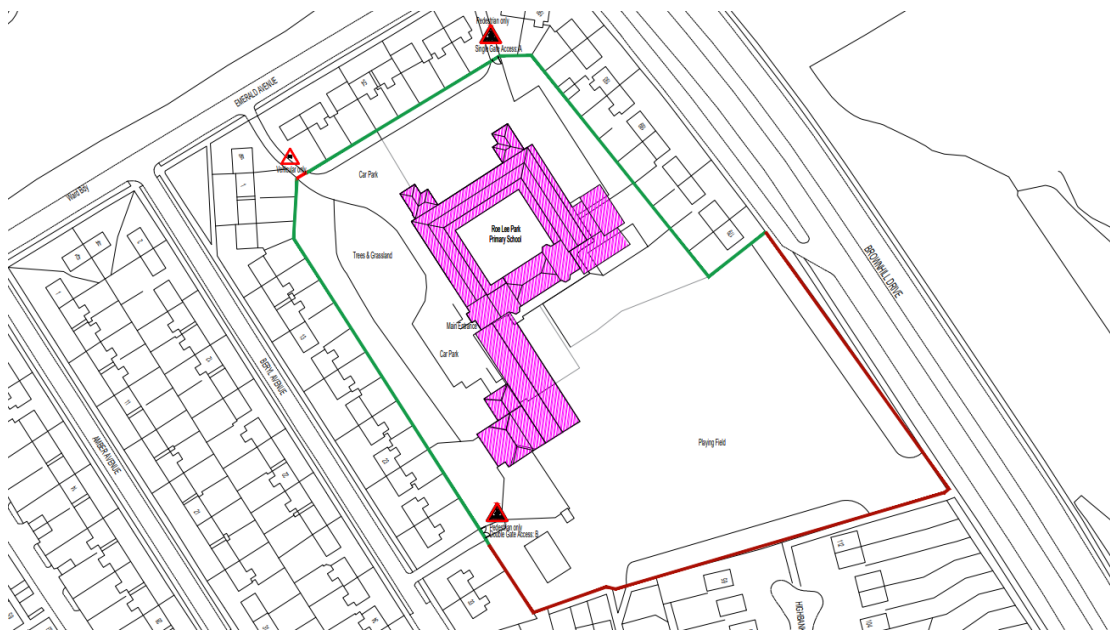


Figure 3: Proposed site plan

- 3.2.4 In addition to the fencing, the proposal also includes replacement of the 2 pedestrian access gates (i.e. the singular pedestrian gate from Emerald Ave, and the double pedestrian gate from Beryl Ave).
- 3.2.5 The proposed elevations are shown in Figure 4, below. The fencing comprises a welded mesh panel, circa 1800mm high, with posts set in concrete. The colour of the fencing would be Green RAL 6005 to match the existing school fencing.

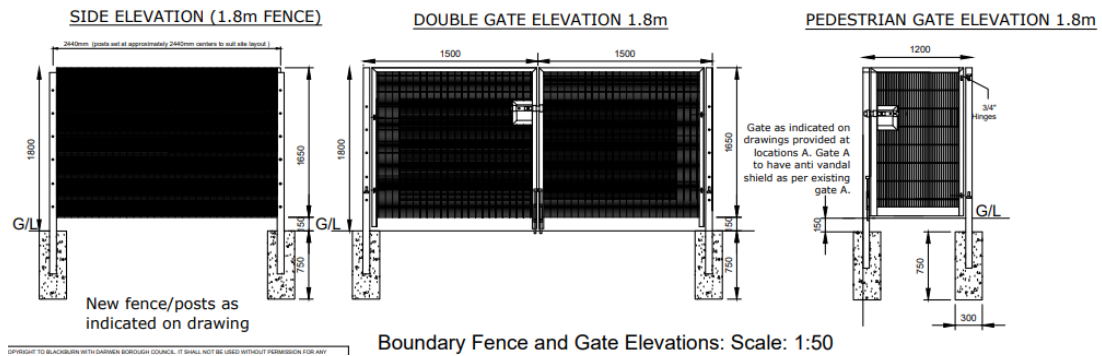


Figure 4: Proposed fence and gate elevations

3.3 Development Plan

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

3.3.2 The Development Plan comprises the BwD Local Plan 2021-2037. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.3 Local Plan 2021-2037

- Core Policy 2 (CP2): The Spatial Approach
- Core Policy 6 (CP6): Natural Environment
- Core Policy 8 (CP8): Securing High Quality and Inclusive Design
- Core Policy 9 (CP9): Transport and Accessibility
- DM Policy 2 (DM02): Protecting Living and Working Environments
- DM Policy 15 (DM15): Protection and Enhancement of Wildlife Habitats
- DM Policy 27 (DM27): Design in New Developments
- DM Policy 29 (DM29): Transport and Accessibility

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework)

3.4.2 National Planning Policy Guidance (NPPG)

3.4.3 BwD Design SPD

3.5 Assessment

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for development which conserves and enhances the built environment, subject to the principles of high-quality design.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development
- Biodiversity Net Gain (BNG)
- Trees and Ecology
- Highway safety
- Residential amenity
- Visual amenity

3.5.3 Principle of the development

In land use terms, the principle of the development is accepted, in accordance with The Framework's presumption in favour of sustainable development, which 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:

3.5.4 Biodiversity Net Gain (BNG)

Notwithstanding the requirements of Local Plan Policy CP6, whilst BNG became mandatory for all major planning applications in February 2024, there is a temporary exemption in national legislation for non-major developments until April 2024. There are also certain exemptions from mandatory BNG in any case, which include development impacting on habitat areas of below 25sqm, or 5m for linear habitats (de-minimis). The proposal therefore meets BNG requirements.

3.5.5 Trees and Ecology

Policies CP6 and DM17 of the Local Plan seek to protect the environment. It is expected that 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.

3.5.6 There are numerous mature trees within the site, and although the majority are sited well away from the boundary fencing, there are some trees in relative close proximity. However, after consultation with the Council's Tree Officer, it is concluded that these would still be unaffected by the proposed development. Upon validation of the application, the Tree Officer was of the opinion that a tree survey was not required. After reviewing the scheme in more detail, the Tree Officer suggested that a method statement condition might be necessary (to ensure the existing trees were not damaged. This depended upon the method of installation.

3.5.7 In response to the Tree Officer's comments, the applicant provided further information, stating that no vehicles or machinery would be used, although there would be the possibility of some power tools for breaking through the concrete. The existing fence panels and poles would be disposed from site. The new fence posts would be fixed into the existing holes and filled with concrete to attach the new fence panels. The new posts would be placed where the existing posts are, using the holes created by removal of the existing fence poles.

3.5.8 Subsequent to receipt of the above additional information, the Tree Officer was satisfied that there would not be any undue risk to trees in the installation process, and no method statement condition was considered necessary.

3.5.9 In terms of ecology, it is noted that there are some shrubs / bushes adjacent to some sections of the existing fencing to be removed. However, the landscaping would not generally be affected as the fence line would continue exactly along the boundary line as it does currently.

3.5.10 The proposal is therefore considered to have an acceptable impact on trees / landscaping and complies with Policies CP6 and DM17 of the Local Plan.

3.5.11 Highway safety

Policy CP9 and DM29 of the Local Plan seek 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. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.5.12 The proposed replacement fencing would run along the line of the existing fencing, between the school grounds and the directly adjacent residential gardens. The fencing and the proposed 2 pedestrian gates would all be positioned well away from the highway, with the only exception being where part of the proposed replacement fencing meets the Brownhill Drive. However, at this point there is already 1.8m high fencing directly adjacent to, and running parallel with, the highway. The proposed new fencing would simply continue the line of this fencing away from the highway edge, along the side boundary of 179 Brownhill Drive, perpendicular to the highway.

3.5.13 The proposed mesh fencing would largely be see-through and would just be a continuation of the existing fencing. It would not have an unacceptable impact on highway safety / sightlines and is thus considered acceptable on highways grounds, in accordance with Policy CP9 and DM29 of the Local Plan, the guidance of the Design SPD, and the NPPF.

3.5.14 Residential amenity

Policy DM02 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. Those requirements are reinforced by the Design SPD.

3.5.15 Following publicity of the application, one letter was received from a neighbour, neither objecting or supporting, but seeking assurances that the amount of work done in their garden would not be damaged. Also, that any disruption during the construction works should be kept to a minimum.

3.5.16 When asked for further detail about construction works, the applicant stated that they haven't gone out to tender for the works yet, but they were looking at the summer months for the work to go ahead, and once they have appointed a contractor they will liaise to ensure that they don't cause any damage to the gardens or any party walls etc. They also clarified that they will only remove the school fencing from the school land side.

3.5.17 Notwithstanding this, to ensure adequate amenity levels are maintained for neighbours who live in close proximity, a condition can be attached to ensure construction work only takes place during acceptable times. With this safeguard, 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 DM02 of the Local Plan and the guidance of the Design SPD.

3.5.18 Although unlikely, any unintended damage that might arise from the construction works would be a civil matter between the school and the other party involved.

3.5.19 Visual amenity

In general terms, Policy CP8 and DM27 require development proposals to secure high quality sustainable design, consistent with context, identity, and built form. Those requirements are reinforced by the Design SPD.

3.5.20 The proposed replacement fencing and gates would be appropriately sited, following the line of the existing fence, and would be of acceptable scale and height. The green mesh design is also considered to be unobtrusive, and would be wholly in keeping with the existing fencing and its school setting. The proposal is therefore considered acceptable in terms of design / visual amenity, and accords with Policies CP8 and DM27 of the Local Plan.

3.5.21 Summary

This report assesses the full planning application for the erection of replacement fencing and gates, on 3 sides of the Roe Lee school grounds, increasing the height of sections of the existing 1m high fencing, up to 1.8m high, to match the rest of the fencing around the school grounds.

3.5.22 In considering this proposal, all necessary material considerations have been taken into account. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Local Plan 2021-2037, supporting Planning Documents, and other material considerations including the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 APPROVE.

Delegated authority is given to the Strategic Director of Growth & Development/Deputy Chief Executive 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 following drawing numbers:

Location Plan

Dwg no. RLP-BFR-001 Revision A: Proposed site plan and boundary and fence elevations and general gate plan, received 27/03/2024.

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

3. 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 DM02 of the Blackburn with Darwen Local Plan 2021-2037.

5.0 PLANNING HISTORY

- 5.1 A number of previous planning applications at this site, the most recent for an extended car park in 2023:

- 10/23/0111 – Full Planning Application (Regulation 3) for Extension to existing staff and visitor car park
- 10/10/0767 - Erection of a single storey extension to Nursery
- 10/08/0753 - Provision of new 1.2m and 1.8m high perimeter fencing and gates to boundary of school land
- 10/03/1180 - Proposed Reception Classroom Extension and public reception with glazed corridor link and external play area

6.0 CONSULTATIONS

- 6.1 Tree Officer
No objection:

6.1.1 Final response:

I am satisfied that there would not be undue risk to trees in the installation process. Therefore, no method statement condition is required.

6.1.2 Initial response (prior to receipt of further supporting information):

The location of the proposed fence would be in the vicinity of several trees.

There is, however sufficient space between the bases of trees and the school boundary in which to erect the fence. Depending on the method of erection, a potential conflict could be low branches on some trees. Trees could potentially obstruct Vehicles and associated equipment involved in the erection of the fencing.

Conclusion: Consideration for a method statement for the erection of the fencing if it considered operations could conflict with trees.

6.2 Property

No objection.

6.3 Highways

No comments.

6.4 Public consultation

Consultation was carried out by means of 47 neighbour letters on 6th February 2024, and site notices displayed on 7th February 2024. One letter was received (neither objecting or supporting), from a neighbour. Refer to Paragraph 8.0 of this report for a summary of representations received.

7.0 **CONTACT OFFICER:**

Tom Wiggans, Planning Officer.

DATE PREPARED:

28th March 2024.

8.0 **SUMMARY OF REPRESENTATIONS**

Dear Tom,

I have just received the letter for the proposal on planning for the above primary school. I'd like to know if this is for the fence that runs around the perimeter of the school? I ask this due to the amount of work I have completed in my garden and I do not want it to be damaged at all.

As I work from home in my garden office and my wife is a nurse, who works nights I would ask as too when this work is due to start so we can work together to minimize disruption.

Many Thanks