

**Proposed development: Full Planning Application (Regulation 3) for Installation of 2.4m security fencing**

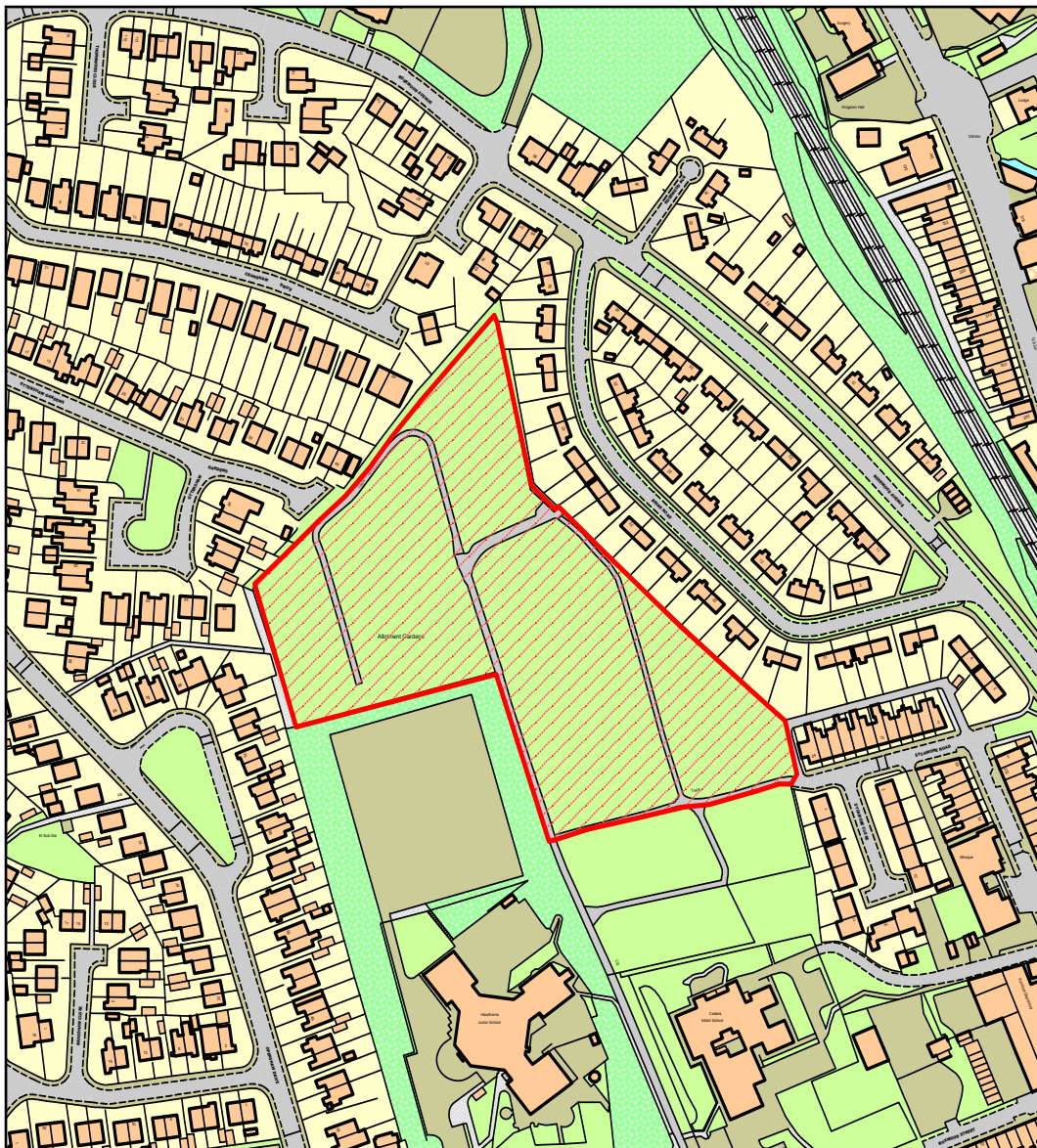
**Site address:  
Land to the rear of Briar Road, Blackburn**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Roe Lee**

**Councillor Phil Riley  
Councillor Sylvia Liddle  
Councillor Ron Whittle**

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## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 Members are advised that the application is presented to Committee on account that the applicant is the Council and the application site is council owned; in accordance with the requirements of Regulation 3 of The Town and Country Planning General Regulations 1992.

2.1.1 The proposed fence will deliver a high quality form of boundary treatment, as a means of enhanced security for mutually affected householders and allotment users. The site has suffered from declining occupancy levels and is considered vulnerable to security risk, with reported instances of vandalism, general break-ins and fly-tipping significantly increasing the Council's financial burden. This security enhancement will help reduce maintenance costs and will make a significant contribution to the continued sustainability of the allotment site, which is recognised for its health and wellbeing benefit to the local community.

2.2.2 As a proposal compliant with the aims and objectives of national policy and the Local Development Plan, it will secure appropriate levels of amenity and will adhere to advocated good design principles. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through use of planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site comprises circa 2.2 hectares of Green Infrastructure within Blackburn's Urban Boundary; as identified in the adopted Local Plan Part 2. Locally known as Teak Street Allotments, the site accommodates a series Council owned allotment plots and associated infrastructure on land formerly occupied by terraced dwellings which were demolished circa 40 years previously. The sites primary access is to the north of St James Road, along a dedicated track that runs between Cedar Street Infant and Junior Schools which bound its southern edge. The north east and western boundaries are formed by residential properties. Topography rises sharply from east to west.

### **3.2 Proposed Development**

3.2.1 The proposal is a full planning application for the erection of a 2.4 metre high paladin style fence, constructed in 5mm galvanised wire and green powder coated. It will be positioned along a circa 65 metre section of the eastern boundary of the allotment site, to the immediate rear of dwellings numbered 15 – 37 Briar Road and will join up with an existing palisade fence.

### **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS20 – Cleaner, Safer, Greener

#### **3.3.4 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 11 – Design
- Policy 38 – Green Infrastructure & Ecological Networks with New Development

### **3.4 Other Material Planning Considerations**

#### **3.4.1 National Planning Policy Framework (The Framework)**

3.4.1 The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking. Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay. Section 8 of the Framework advocates promoting healthy communities; section 11 with making effective use of land and section 12 with achieving well-designed places.

### **3.5 Assessment**

3.5.1 The following are the key material considerations that need to be taken into account in assessment of the application:

- Principle;
- Amenity impact;
- Environment;
- Design;
- Health.

#### 3.5.2 Principle of the development

The principle of the proposal is accepted, in accordance with Policy 7 of the Development Plan, and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless demonstrable adverse impacts which significantly outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

#### 3.5.3 Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself.

3.5.4 The fence proposed is a typical paladin construction; wholly commensurate within a residential setting. It will be constructed on allotment land on the outside of existing rear boundary treatments to properties on Briar Road. Its 2.4m height is not considered excessive when assessed against its relationship with the rear of these dwellings; ensuring appropriate levels of amenity are maintained for householders. It should be recognised that a fence can be erected in the proposed position up to a height of 2m without the need to apply for planning permission; in accordance with the provisions of the General Permitted Development Order 2015 (as amended). Consequently, this assessment relates only to the additional height of 400mm.

3.5.5 The fence will also accord with the policy principle of securing appropriate levels of mutual safety for users of the allotments and local residents, as an improved means of security. Compliance with Policy 8 is achieved.

#### 3.5.6 Design / Character and Appearance

Policy 11 sets out that a good standard of design 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.

3.5.7 The paladin design of the fence, featuring galvanised wire mesh at 5mm intervals supported by steel columns, is appropriate in context. Its position and existence of established trees and vegetation in proximity will assist in minimising its visual prominence. The proposed green powder coating will further enhance its appearance and assimilation into the surroundings. Compliance with policy 11 is achieved.

### 3.5.8 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, green infrastructure, habitats, species, trees and the efficient use of land.

3.5.9 Notwithstanding the presence of a mature tree and established vegetation in proximity to the proposed fence, the minimally invasive foundation work ensures no harm to environmental assets on or bordering the site. Compliance with Policy 9 is achieved.

### 3.5.10 Summary

This report assesses issues associated with the full planning application for the proposed fence. In considering the proposal, a range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the aims and objectives of the Development Plan and The Framework.

## **4 RECOMMENDATION**

### **4.1 Approve subject to:**

Conditions which relate to the following:

- Commence within 3 years
- Fence to be erected in accordance with the submitted detail, including green powder coating treatment.

## **5 PLANNING HISTORY**

5.1 No relevant planning history

## **6 CONSULTATIONS**

6.1 45 neighbouring properties were consulted by letter and three site notices were displayed. Ward Councillors were also consulted. Although a significant volume of telephone enquiries were received, no written representations were submitted from householders. An objection was, however, submitted on their behalf by Ward Councillors Ron Whittle and Sylvia Liddle which is shown in the summary below.

6.2 Council's Property Management team – no objection.

**7 CONTACT OFFICER: Nick Blackledge, Planner**

**8 DATE PREPARED: 30<sup>th</sup> January 2019.**