

**COMMITTEE DATE:** 16/10/18

**Application Reference:** **18/0331**

WARD: Brunswick  
DATE REGISTERED: 22/05/18  
LOCAL PLAN ALLOCATION: Protected School Playing Fields/Grounds

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Governors of St Kentigerns

**PROPOSAL:** Erection of decking and external play area to first floor level enclosed by 3 metre high fencing with staircase enclosure.

**LOCATION:** ST KENTIGERNS RC PRIMARY SCHOOL, NEWTON DRIVE, BLACKPOOL,  
FY3 8BT

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**Summary of Recommendation:** Grant Permission

#### **CASE OFFICER**

Ms P Greenway

#### **INTRODUCTION**

The Committee considered the application at its last meeting on 18 September 2018 and acknowledged the benefits in providing an increased play area, but were mindful of the residents' concerns regarding the potential impact of the proposed development on their amenity. It also considered that it would be beneficial for residents to be provided with more information on the scale and design of the development. They therefore resolved to defer the application to a future meeting to allow the opportunity for discussions to take place between the applicant and the objectors. The discussion will take place on 15 October 2018, the outcome of which will be reported orally to Members at the Committee meeting.

The applicant has asked that the application be brought back to Committee on the 16 October 2018 because of funding pressures and has submitted the following additional information –

- **a statement from the headteacher**
- **a noise assessment**
- **a statement regarding the constraints**

These are attached at Appendices 7a, 7b and 7c of this report.

In addition, revised plans have been submitted to return the 2m high acoustic screen around the sides of the playdeck, in accordance with the recommendations in the noise assessment.

### **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

### **SUMMARY OF RECOMMENDATION**

On balance, it is considered that the social benefit to the families whose children attend the school over-rides the heritage concerns regarding retention of the window to the locally listed school. The impact on residential neighbours' amenities in terms of noise, disturbance and overlooking can be mitigated by the imposition of appropriate conditions. On this basis, the scheme is considered to represent sustainable development and it is recommended that planning permission should be granted.

### **SITE DESCRIPTION**

The application site is a locally listed primary school on Newton Drive, near to the Devonshire Square junction. Large, terraced residential properties are immediately across the gated rear alley and are within the Raikes Hall Conservation Area, although the school itself is not. The site is allocated as Playing Fields and Sports Grounds on the Proposals Map to the Local Plan.

### **DETAILS OF PROPOSAL**

The proposal is for the erection of decking and external play area to first floor level enclosed by 3 metres high fence with staircase enclosure. The area of additional outdoor play space to be created by the first floor deck would be located above a single storey, flat-roofed classroom and circulation link buildings at the rear of the school, immediately adjacent the gated rear alley which serves the houses on Bryan Road and Whitley Avenue. It would also project over a section of the middle playground and would be accessed via a reconfigured existing staircase enclosure adjacent to the playground, currently serving attic classrooms and office.

The application is accompanied by a Heritage Statement, in which the agent explains that "This application is to redress the lack of outdoor space and the introduction of play space above playground level achieves a substantial increase in recreational space. The school has suffered from lack of outdoor play space for many years and have a very real need to increase where possible this space. The school falls short in providing the required outdoor play space which has led to the school exploring new ways of obtaining outdoor play space. In June 2017 the school put forward a successful bid to Lancaster diocese to secure the necessary funding for an outdoor play deck, elevated a storey above the current playground level - the only feasible way of providing this much needed space."

Since the deferral of the application additional information has been submitted by the applicant's agent and this is appended to this report.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Impact on neighbour amenity in terms of noise, privacy and overshadowing
- Impact on the locally listed building and character of the area

### **CONSULTATIONS**

**Built Heritage Manager:** a first floor level play area would clearly deliver some much needed play space for the children and care has been taken with the design to soften its impact on the surrounding area. However, there is a lack of information on the staircase which is proposed to be clad in green tiles. Whereabouts is the external door out of the building being formed? This part of the proposal involves building over an existing window, and I would prefer if this feature could be retained somehow within the design in order that a) it would enable reversal if required sometime in the future and b) will maintain legibility of the original design inside the building.

**Blackpool Civic Trust:** no comment

**Service Manager Public Protection:** The play area would only be in use 1hr 40mins per day, the barrier which is a living barrier could also have acoustic properties added, the complainants are those living on Bryan Road, with their concerns being noise and how it looks, this would be mitigated by adding acoustic properties within the barrier.

**Head of Education:** Blackpool Council Education team have no objections to the development.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 22 May 2018

Neighbours notified: 22 May 2018 and 3 October 2018

Objections have been received from 48, 50, 52 and 56 Bryan Road.

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In summary, the objections relate to:

- Overdominant
- Loss of light
- Loss of privacy
- Loss of privacy due to velux window in the existing building
- Noise and disturbance
- Out of keeping with character
- Doesn't respect locally listed status or the adjacent Raikes Hall Conservation Area.

Any further representations will be included in the Update Note.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The Revised National Planning Policy Framework (NPPF) published 24 July 2018 states that the purpose of the planning system is to contribute towards sustainable development. There are three overarching objectives to sustainable development which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 10 makes it clear that at the heart of the Framework is a **presumption in favour of sustainable development**.

Other relevant paragraphs are contained within:

Chapter 8. Promoting healthy and safe communities.

Chapter 12. Achieving well-designed places.

Chapter 15. Conserving and enhancing the natural environment.

Chapter 16. Conserving and enhancing the historic environment.

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

CS7 Quality of Design

CS8 Heritage

CS15 Health and Education

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

LQ1 Lifting the quality of design

LQ14 Extensions and Alterations

BH3 Residential and Visitor Amenity

BH7 Playing Fields and Sports Grounds

AS1 General Development Requirements

## **ASSESSMENT**

### **Principle**

In principle, development will be supported which enables the provision of high quality new and improved education facilities; which includes the remodelling, extension or rebuilding of schools.

The area of additional outdoor play space to be created by the first floor deck would be an additional 156 m sq providing some 6.3 m sq outdoor play space per child in total from the current 5.6 m sq. This area falls short of the prescribed 9 m sq but even this relatively modest increase in outdoor play area is significant for the school and its desire to tackle childhood obesity.

### **Design**

The Council's Built Heritage Officer has no objection to the design in terms of its impact on the locally listed building or on the adjacent Raikes Hall Conservation Area, but has asked if the design of the stair enclosure could be improved so that it could be reversed at a future date. The agent has responded that every permutation has been looked at regarding access to the play deck and the only solution is this stair enclosure in this position. As the staircase would be internal to the site, it would have minimal impact on the wider streetscene.

### **Amenity**

The deck would be 3.5 metres above the playground so the new platform/structure would sit slightly above the existing flat roof areas and would be enclosed with 3 m high fine gauge security fencing. The deck would be surfaced in 'ecodeck' composite decking in a natural grey/ brown colour with sound absorbing connections to minimise any impact noise. The rear fence line would include a 2 metres high green 'living wall' behind the security fence, which would provide a solid screen to the houses on Bryan Road and also a green buffer. The living wall would also provide an ongoing activity for school children to learn about landscaping, ecology and habitats.

In terms of the Bryan Road residents' concerns:

- Overdominant – most of the houses on Bryan Road have large, two storey rear wings; and single storey, monopitch roof buildings along their rear boundaries with the ridge or high point being on the rear boundary). These two factors restrict the amount of open space within the rear gardens and also restrict the view across the back street. The playdeck would be built on the rear boundary wall of the back alley. The alley is 5.8 metres wide and there is 15.6 m separation to the back of the rear wing (22 m to the rear main wall of the house). The open mesh part of the fence would be visible from the houses and first three metres depth of their gardens (closest to the house) and the acoustic part would only be visible from the first two metres but because of the rear outbuildings and already dominant rear wings, it is unlikely to have significant impact in this regard.

- Loss of light – all of the gardens and backs of houses on Bryan Road face north and therefore there is no shading created by the new deck or fencing. The only shading that is created to these gardens is the shadow from the houses themselves and the only shadowing created from the new fencing and living wall would be across the play deck itself.
- Loss of privacy – the lower 2 metre section of the mesh screen cannot be seen through as it is proposed as a living wall, so there would be no impact on neighbours' privacy.
- Loss of privacy due to Velux – these are existing windows in the roof of the classroom adjacent to the proposed playdeck. The school has listened to the neighbours and has confirmed that obscure film will be permanently fitted to the three velux windows overlooking the neighbouring properties.
- Noise and disturbance – the agent has amended the proposal to incorporate a 2 metres high woven willow acoustic barrier into the living wall as suggested by the Service Manager Public Protection. This would be provided to the rear and side boundaries of the playdeck and therefore there should be minimal noise breakout. In addition, the agent has confirmed that it would only be Key Stage 2 (KS2) using the play deck and it would only be used for one hour a day as follows:

20 mins - 10.40am - 11.00am

20 mins - 12.00pm - 12.20pm

20 mins - 12.50pm - 1.10pm

(not 1hr 40mins as previously stated as Key Stage 1 (KS1) would not use the deck) and this could be conditioned, which would mitigate the noise issue that has been raised.

### **Highway Safety**

There are no implications for highway safety as there would be no increase in the number of children at the school as a result of this proposal.

### **Parking and Servicing Arrangements**

The proposals have no impact on the school parking or servicing arrangements.

### **Other**

The agent has considered other options for providing playspace at the school and explains why no other area would be suitable:

1. Access onto the play deck cannot be achieved feasibly by external stairs. The maximum rise of each step for an external stair in a primary school is 150mm. The height of the play deck above playground level would be set at 3.54 metres to be clear of the existing flat roofs which would mean 27 risers in total. The stair would require at least one mid landing which would present a hazard in the playground in terms of children banging their heads on the underside of this landing and the associated structure required to form the staircase. The area that an external staircase would take up would mean the loss of a significant amount

of existing playground space- the very space the school is trying to create. The play deck as submitted uses the existing main staircase which serves two attic classrooms and an office. The existing stairway would provide at half landing level new access onto a play deck stair which would be contained within a new staircase enclosure. Because the existing stairs are 200mm risers it means far fewer steps are required than an external staircase and therefore would use up less area within the existing playground area. There is no other staircase within the school that is capable of adaption to provide access to any of the flat roofs of the school.

2. The area of flat roof circled above is approx. 98 sq m and the play deck as submitted is approx. 155 sq m and is therefore too small as a meaningful play space. In order to expand this area the play deck would have to extend across part of the existing playground and be supported on metal columns. These columns would pose a significant Health and Safety issue with the likelihood of collision and injury of children highly probable. Although the play deck as submitted extends across part of a playground, it is supported by a deep metal RSJ beam spanning from existing building to existing building with no intermediate columns and therefore eliminated hazards associated with collisions.
3. There could be considerable overlooking issues into the rear gardens of those houses on Whitley Avenue should the play deck extend from the flat roof as highlighted. The deck as submitted cannot be used as a viewing gallery into the neighbouring gardens to those houses on Bryan Road because of the living wall. The living wall has a solid black plastic structure to the planting which in itself blocks out views with the addition of planting creating a soft green backdrop to the play deck when viewed from Newton Drive.
4. There could be a greater noise impact should the play deck be located to the area as highlighted in yellow with no sound buffer able to be constructed along this open edge facing the rear gardens of Whitley Avenue. As submitted the play deck would incorporate the living wall together with the woven willow fencing which would substantially reduce airborne noise generated from children's play. As previously confirmed the deck would be used for 1 hr maximum per day and therefore any noise for such a short span of time should not cause prolonged noise nuisance to the neighbouring houses.
5. Safeguarding of the children is of utmost importance to the school and an extended play in the location highlighted in yellow could be seen as a viewing platform from the gardens and the rear of houses on Whitley Avenue which the school would not feel comfortable promoting. The play deck as submitted would be obscured from view by the living wall and associated fencing and would therefore not subject any of the children to potential safeguarding issues.



## **CONCLUSION**

Sustainability comprises economic, social and environmental components. It is not considered that the scheme has any input to the economic objective. Socially, the proposal would support the objectives of cultural wellbeing and a healthy community by improving the amount and safety of the playspace for children at this school. In terms of the environmental objective of protecting and enhancing our built and historic environment, it has been identified that the staircase enclosure would have some negative impact on the locally listed building and this weighs against the proposal. The height of the rear boundary treatment would have some visual impact on the residential neighbours (but no significant overlooking or noise issues), and this also weighs against the proposal. No unacceptable amenity impacts are expected in terms of highway safety.

The agent has explained why retention of the window (requested by our Built Heritage Officer) is not achievable and on balance, it is considered that the social benefit to the



families whose children attend the school over-rides the heritage concerns; and, subject to the imposition of appropriate conditions, the impact on residential neighbours' amenities.

On this basis, the scheme is considered to represent sustainable development and the recommendation is that planning permission be granted.

### **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

### **FINANCIAL BENEFITS**

None

### **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

### **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998.

### **BACKGROUND PAPERS**

Planning Application File 18/0331 which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: location plan received by the Council on 17/05/2018; drawing No.s 118-02 Rev A, 118-06 Rev A, 118-07, 118-08 and 118-10.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. The use of the playdeck shall not operate outside the hours of:

10.40 am - 11.00 am  
12.00 noon - 12.20 pm  
12.50 pm - 1.10 pm

Mondays to Fridays and not at all on Saturdays or Sundays.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Before the playdeck is first used, a 2 metres high acoustic barrier shall be installed on the rear and side boundaries of the deck as shown on the submitted layout plan and shall thereafter retained.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and to safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Within six months from the date of this permission, obscure film shall be fitted to the three rooflights in the building immediately to the west of the playdeck, such that occupants of the room behind cannot look out, and the film shall thereafter be retained.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

## **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.