

Blackpool Council

27 July 2015

To: Councillors I Coleman, Critchley, Elmes, Hutton, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 4 August 2015 at 6.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 7TH JULY 2015 (Pages 1 - 14)

To agree the minutes of the last meeting held on 7th July 2015 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 15 - 32)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 33 - 36)

The Committee will be asked to note the outcomes of the cases and approve the actions of the Service Manager – Public Protection.

5 PLANNING APPLICATION 14/0608- UNITS 21-25 SQUIRES GATE INDUSTRIAL ESTATE

(Pages 37 - 68)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Governance Adviser, Tel: (01253) 477164, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman
Critchley

Elmes
Hutton

Robertson BEM
Stansfield

In Attendance:

Gary Johnston, Head of Development Management
Mark Shaw, Principal Planning Officer
Carmel White, Chief Corporate Solicitor
Karen Galloway, Principal Engineer Transportation
Nicola Rigby, Planning Enforcement Manager
Bernadette Jarvis, Democratic Services Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 9 JUNE 2015

Resolved: That the minutes of the meeting held on 9th June 2015 be signed by the Chairman as a correct record.

3 PLANNING ENFORCEMENT UPDATE REPORT

Resolved: To note the outcomes of the cases in the report and to support the actions of the Service Manager, Public Protection Department in authorising the notices.

4 PLANNING APPLICATION 14/0635 - 397-399 PROMENADE

The Committee considered application 14/0635 for outline planning permission for the demolition of existing premises and erection of five-storey building comprising a restaurant at ground floor and seven self-contained permanent flats on the upper floors, with associated car parking and bin and cycle stores.

Mr Shaw, Principal Planning Officer, presented the Committee with a brief outline of the application and detailed plans for the proposed development. He reported that the outline planning permission related to the site layout, scale and means of access for the development. Mr Shaw explained that, whilst it was accepted that the development would result in a loss of holiday accommodation, the applicant had satisfactorily demonstrated that the inclusion of holiday accommodation within the scheme would not be financially viable. The regeneration benefits from the development were reported to Members. Mr Shaw referred to the Update Note that had been circulated to Members since the publication of the agenda which amended Condition 2 to restrict the use of the ground floor unit to a restaurant.

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The Committee expressed concerns relating to the length of time that the outline planning permission could be in existence before the development commenced should the application be granted and Ms White, Chief Corporate Solicitor, confirmed that this application was in line with the standard timeframe and that it would not prevent further applications for planning permission being submitted within this period. In response to questions from the Committee, Mr Shaw confirmed that, although the intention was for the flats to be used for permanent accommodation, there was the potential for the applicant to rent them out as holiday accommodation in the future if he chose to do so.

Resolved: That the application be approved, subject to the conditions, and for the reasons, set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

5 PLANING APPLICATION 14/0862 - 176 QUEENS PROMENADE

The Committee considered application 14/0862 for outline planning permission that sought approval for the site layout, scale and means of access for the proposed erection of a part two/part three/part four storey building comprising 11 self-contained permanent flats with associated balconies, car parking, vehicle accesses from Queens Promenade and Cavendish Road, bin store, cycle store and boundary treatment, following demolition of the existing building.

Mr Shaw explained that this application related to a redevelopment of an existing site on Queens Promenade. The Committee was advised that the applicant had made amendments to the application to address the main concern raised by residents in relation to light obstruction. A further amendment to the application had been made to address concerns raised by the Head of Transportation relating to car parking arrangements. Mr Shaw also reported that the amended plans included balconies for the majority of the flats to address concerns in relation to a lack of private amenity space.

Mr Shaw referred to the Update Note that had been circulated to Members since the publication of the agenda that included an amendment to conditions 9 and 10 relating to highway works, vehicle access and the Construction Management Plan. An additional condition had been included regarding completion of a bat survey.

The Committee considered the details of the plans of the development. Members also considered the objections raised by nearby residents.

Responding to questions relating to the objection raised by nearby residents, Mr Shaw confirmed that amendments had been negotiated with the applicant to address the concerns although it was accepted that the changes might not fully meet the objectors' expectations. However officers were of the view that the changes meant that the application could not be resisted on amenity grounds.

Resolved: That the application be granted, subject to the conditions, and for the reasons, set out in the appendix to the minutes.

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Background papers: Applications, plans and replies to consultations upon the applications.

6 PLANNING APPLICATION 14/0866 - LAND AT FERNBANK

The Committee considered application 14/0866 for external alterations of an existing single-storey building to include removal of door and use of premises as a single private dwelling house and erection of a private garage.

Mr Johnston, Head of Development Management, explained that the application site was located on Division Lane within the Marton Moss Countryside Area close to the boundary between Blackpool Borough Council and Fylde Borough Council administrative areas. He advised the Committee that the level of housing requirement as detailed in the emerging Core Strategy could be met without the need to release sites in unsustainable locations. He informed Members of a recent successful appeal decision following the refusal of a similar proposal. Mr Johnston advised the Committee that the development conflicted with the Local Plan, the emerging Core Strategy and NPPF Policies.

Mr Hough, the applicant spoke in support of the application.

The Committee considered the representations made by both Mr Johnston and the applicant and viewed the details of the plans for the development. In response to questions from a Member of the Committee, Mr Johnston reported his understanding that some of the building work had been undertaken but had ceased pending the outcome of the application. He confirmed that there was no evidence of the building being currently occupied.

Resolved: That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

7 PLANNING APPLICATION 15/0104 - 71 MOOR PARK AVENUE

The Committee considered application 15/0104 for the use of premises situated at 71 Moor Park as a children's indoor play centre with Use Class D2 with associated car parking.

Mr Johnston presented the Committee with detailed plans showing the location and size of the unit. He advised Members that the site had been vacant for several years but had undergone a recent refurbishment and conversion into three units, two of which were now occupied. The Committee was advised that the key issue with the application was the loss of industrial land to leisure use, particularly in light of a lack of industrial land within the Borough. He advised Members that the change of use would be contrary to the Local Plan and emerging Core Strategy and the NPPF. Mr Johnston accepted that a limited sequential test had been undertaken by the applicant that had demonstrated that there were no sequentially preferable sites in the Town Centre or in an edge of centre location but reported at the adverse impact on the Town Centre from out of town leisure developments. He acknowledged the applicant's claims that the proposal would generate

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employment but reiterated that the facility did not fall within the permitted use of the premises or the area and was therefore contrary to the Local Plan.

Mr Shepherd, the applicant's agent spoke in support of the application.

The Committee considered the representations made by both the officers and the applicant's agent and the letters of support for the scheme that had been received by Mr Maynard MP and Councillor Rowson.

The Committee was also asked, if it was minded to grant the application, to consider a temporary permission with a suggested period of five years.

During consideration of the application, the Committee raised concerns that the site had been vacant for some time. Members also considered that the facility would provide local people with a safe play area for children and would therefore be of benefit to the local community. The Committee accepted that it would be a loss of industrial land but considered that it would generate employment opportunities. The Committee was aware that the proposal was contrary to the Local Plan and emerging Core Strategy and the NPPF but considered that the above factors outweighed the conflict with these policies.

Following a general discussion by the Committee regarding conditions to be imposed should the application be approved, Members agreed that, should the application be granted, the forecourt area should be segregated from the other units for the safety of parents and children accessing the facility.

Resolved: That the application be granted, subject to the imposition of a suitable condition to cover the segregation of the unit in the interests of public safety.

Background papers: Applications, plans and replies to consultations upon the applications.

8 PLANNING APPLICATION 15/0235 - 352-358 LYTHAM ROAD

The Committee considered application 15/0235 for the erection of 3 x 10 metre high lighting and CCTV columns; construction of a 2.4m high timber fence to north and south boundaries and 2.4m high mesh fence to Lytham Road boundary and use of land as altered as a car park for 50 vehicles for a temporary period of five years.

Mr Johnston gave a brief outline of the application and presented the Committee with the proposed plans for the development which was at the site of the former Lytham Road Health Centre. He advised Members of the amendments to the plans which improved the layout of the car park and changes to the fencing around the car park. Reference was made to the Update Note that had been circulated to Members following publication of the Agenda which detailed further amendments to the original plans. Mr Johnston advised the Committee that he had recently attended the site and noted improvements to the fencing. It was suggested to Members that an additional condition could be imposed, should the application be granted, to restrict the use of the land as a car park between the hours of 8am and 8pm on any day.

Mr Rowland, public objector, spoke in **Page 4** objection to the proposal.

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The Committee considered the representations made by the officer, members of the public and the letter of objection from Mr Marsden, MP.

During consideration of the application, a Member of the Committee expressed concerns that the development had commenced without the appropriate permission. Members expressed conflicting views on the adequacy of the current parking provision within the area. Members of the Committee also raised concerns regarding the impact on neighbouring residents from the lighting columns. Mr Johnston addressed further concerns from the Committee by confirming that the long term aspirations for use of the site was for residential use but it appeared that this was unlikely in the short term, hence the recommendation for a temporary use in the meantime. Responding to concerns raised by Members, Mr Johnston confirmed that the Head of Transportation had not raised any traffic-related concerns. Although the Committee noted that amendments had been made to the original application to the satisfaction of officers, some Members still considered that the application, if granted, would harm the amenity of residents and visitors.

Resolved: That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

9 PLANNING APPLICATION 15/0242 - MCDONALDS RESTAURANTS LTD, CHERRY TREE ROAD NORTH

The Committee considered application 15/0242 for the temporary removal of condition 8 attached to planning permission ref 89/1909 to allow the restaurant and associated takeaway to trade 24 hours per day, seven days a week.

Mr Shaw gave the Committee a brief overview of the application. He explained that in November 1990 planning permission had been granted following an appeal for the erection of a McDonalds Restaurant with a condition restricting the opening hours. Since then a number of extensions to the opening hours of the restaurant have been approved with the most recent being to restrict the hours of opening from 5am to 11.00pm on Sundays to Thursdays and 5am to 11.30pm on Fridays and Saturdays, with only the drive through open between 11pm and 11.30pm.

Mr Shaw explained that the applicant had stated that the application was necessary to meet customer demand and that the majority of the customers during the proposed extended hours would be from passing trade.

Mr Shaw reported on the consultations that had been undertaken which included comments from the Head of Environmental Services indicating that they had not received any complaints although accepted that this could be attributed to the current restricted hours. Similar comments had been received by the Police regarding incidents of anti-social behaviour. Both the Head of Environmental Services and the Police had suggested that the application, if granted, should be on a temporary basis to assess the impact of the extended hours. In response to these comments and the objections raised by

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members of the public, it was suggested that the Committee could consider allowing the extension of opening hours for a trial period of 12 months to assess the impact on the amenities of the immediate residential neighbours prior to granting full permission. Mr Shaw highlighted that Condition 1 as detailed in the report would be removed as it would not be relevant if the application was granted on a trial basis for a period of 12 months.

Councillor L Taylor, Ward Councillor spoke, on behalf of local residents, in objection to the application.

The Committee noted the objections received by members of the public and noted that a further petition had been received reiterating the concerns raised. It also considered the representations made by officers and Councillor L Taylor.

The Committee discussed the merits of the application and expressed concerns regarding the potential for an increase in noise and disturbance, particularly in the adjacent car park, and the impact that this would have on the amenities of neighbouring residents should the application be granted. Further concerns raised by the Committee included the adverse impact on the environment from the extended opening hours. Members, whilst acknowledging the applicant's reassurances regarding litter patrols currently being undertaken, were concerned at the potential for increased litter outside the site in the early hours of the morning should the restriction on opening hours be removed.

Resolved: That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

Chairman

(The meeting ended 7.43pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

Application Number: 14/0635 Demolition of existing premises and erection of five-storey building comprising a restaurant (Use class A3) at ground floor and seven self-contained, permanent flats on the upper floors, with associated car parking, bin and cycle stores at 397-399 Promenade.

Decision: Grant Permission

Conditions:

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:

- Appearance
- Landscaping

ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order amending it) the commercial unit at ground floor level of the premises shall be used as a restaurant only (within Class A3) and for no other purpose, including any other purpose within Classes A1, A2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of safeguarding the character and function of this section of the Promenade and to safeguard the residential amenities of future occupants of the site and nearby neighbours in accordance with Policies RR7, BH3, BH11 and BH17 of the Blackpool Local Plan 2001-2016.

3. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

NOTE – The development is of a scale to warrant a contribution of £4,644 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant should contact

the Council to arrange payment of the contribution should such a contribution be their chosen solution.

4. Notwithstanding the information shown on the submitted plans, details of the refuse storage provision shall be submitted to the Local Planning Authority and agreed as part of any future reserved matters application. This agreed refuse storage shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained. No refuse shall be stored forward of the front building line of the building.

Reason: In the interests of the appearance of the locality and the residential amenity of the occupants of the development and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

5. The cycle storage and bin storage shown on the approved plan shall then be provided before the development hereby approved is first brought into use and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

6. No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the demolition and construction period
- control of noise emanating from the site during the demolition and construction period
- hours and days of demolition and construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the demolition and construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routeing of demolition and construction traffic.

The demolition of the existing buildings and the construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

7. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plan shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

8. No flat shall be occupied until its internal layout and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the living conditions of the occupiers of the flats, in accordance with Policy HN6 of the Blackpool Local Plan 2001-2016.

Application Number: 14/0862 Erection of a part two/ part three/ part four storey building comprising 11 self-contained permanent flats with associated balconies, car parking, vehicle accesses from Queens Promenade and Cavendish Road, bin store, cycle store and boundary treatment, following demolition of existing building at 76 Queens Promenade.

Decision: Grant Permission

Conditions:

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:

- Appearance
- Landscaping

ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016.

3. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016.

4 The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off-site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £8600 towards the provision of or improvement to off-site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

5. Details of the appearance of the bin and cycle storage areas indicated on the approved plan(s) shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the site and locality, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

6. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

7. No flat shall be occupied until all of the external and internal works and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies LQ1, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from

Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016.

9. A scheme for associated off-site highway works shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development. The scheme shall include details for:

- a) Re-positioning of bus stop
- b) Widening of the Queens Promenade vehicle access to 5 metres
- c) Strengthening of footways where the vehicle access points are to take vehicle loadings.

The agreed off-site highway works shall be completed prior to the building first being occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that safe, appropriate and convenient access to the site is made available in accordance with Policies LQ1, AS1 and AS2 of the Blackpool Local Plan 2001-2016.

10. No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include and specify the provision to be made for the following:

- dust mitigation measures during the demolition/ construction period
- control of noise emanating from the site during the demolition/ construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition/ construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routeing of demolition/ construction traffic.

The development shall then proceed in accordance with the approved Demolition and Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

11. The demolition of the existing building shall not take place until the recommendations contained in the submitted Arbrech Preliminary Roost Assessment have been discharged and written confirmation has been provided to the Local Planning Authority.

Reason: To ensure that the site has been fully investigated with regards to potentially being occupied by roosting bats and any required remediation measures are carried out in accordance with Policies LQ1 and NE6 of the Blackpool Local Plan 2001-2016

Application Number: 14/0866 External alterations to include removal of door and use of premises as altered as single private dwelling house and erection of a private garage at land at Fernbank, Division Lane.

Decision: Refuse

Reasons:

1. The proposed dwelling would not constitute sustainable development in terms of the economic, environmental or social dimensions as set out in the National Planning Policy Framework; in particular because of its location relative to services and bus routes and the fact it would be situated on a road without footpaths and limited street lighting. As such, the proposal would be contrary to the National Planning Policy Framework, Policy NE2 of the Blackpool Local Plan 2001-2016 and Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission.

2. The conversion of the stables to a dwelling would, by virtue of visual changes to the land associated with its residential use, and the potential for future changes to the building(s) which would be difficult to resist, result in domestication and an increasingly urban, residential appearance of the site, which would materially reduce the open and rural character of this part of Division Lane and would have an adverse effect on the intrinsic rural character and appearance of its environs. As such, the proposal would be contrary to core planning principles of the National Planning Policy Framework, Policies NE2, LQ1, LQ2, LQ4 and LQ14 of the Blackpool Local Plan 2001-2016, and in advance of a Neighbourhood Plan, it would be contrary to Policy CS26 of the Blackpool Local Plan Part 1 : Core Strategy - Proposed Submission.

3. ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors that conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 and Blackpool Local Plan Part 1 : Core Strategy - Proposed Submission, which justify refusal and which could not be overcome by negotiation.

Application Number: 15/0104 Use of premises as children's indoor play centre within Use Class D2 with associated car parking at 71 Moor Park Avenue.

Decision: Grant Permission

The Planning Committee felt that the proposal would be of benefit to the local community and would not conflict with the provisions of the Blackpool Local Plan 2001-2016 as the building had

been vacant for some time and had not attracted another user and the proposed use would create employment.

Conditions:

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. Before the use commences a scheme for the laying out of the forecourt of the unit for car parking and for pedestrian access to serve the unit and the means of segregation of the forecourt from the other areas of forecourt either side of the application site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be provided prior to the use commencing.

Reason: To avoid pedestrian and vehicular conflict and in the interests of the safety of the users of the unit in accordance with Policies BH4 and AS1 of the Blackpool Local Plan 2001-2016

Application Number: 15/0235 Erection of 3 x 10 metre high lighting and CCTV columns; construction of a 1.5 m high timber fence to north and south boundaries and low kick rail with landscaping to the Lytham Road boundary and use of land as altered as a car park for 50 vehicles for a temporary period of five years at 352-358 Lytham Road.

Decision: Refuse

Reasons:

1. The proposed car park and the lighting/CCTV columns to support it would have a significantly detrimental impact on the residential amenities of the occupants of residential properties on Lytham Road by virtue of increased noise, disturbance and light pollution. In addition it would be out of keeping with the character of the area, it would not safeguard or enhance the neighbourhood and it would be contrary to the principles of good design. As such the proposed car park would be contrary to paragraphs 17, 56-64 and 123 of the National Planning Policy Framework, Policies LQ1, LQ2, RR8 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission.

2. ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework, conflict with policies of the Blackpool Local Plan 2001-2016 and conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission which justify refusal and which cannot be overcome by negotiation.

Application Number: 15/0242 Temporary removal of condition 8 attached to planning permission ref 89/1909 to allow the restaurant and associated takeaway to trade 24 hours per day, seven days a week at Mcdonalds Restaurants Ltd, Cherry Tree Road North.

Decision: Refuse

Reasons:

1. The proposed extension of the restaurant/drive through opening hours would have a significantly detrimental impact on the residential amenities of the occupants of Dove Tree Court and other nearby residential properties by virtue of increased noise and disturbance, particularly late at night and into the early hours of the morning. As such the proposed extension to the opening hours would be contrary to paragraphs 17 and 123 of the National Planning Policy Framework, Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission.

2. ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework, conflict with policies of the Blackpool Local Plan 2001-2016 and conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy - Proposed Submission which justify refusal and which cannot be overcome by negotiation.

Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	4 th August 2015

PLANNING/ENFORCEMENT APPEALS DETERMINED/LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals, lodged and determined

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement appeals for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Planning/Enforcement Appeals Determined

5.1 60 TYLDESLEY ROAD BLACKPOOL (14/0439)

Appeal by Mr Robert Taylor against the decision of Blackpool Council to refuse planning permission for use of premises as single private dwelling house- **APPEAL DISMISSED**

The Inspector considered the main issues in the appeal were the effect of the proposal on the overall mix of housing within the area: and whether the proposed development would provide acceptable living conditions for future occupants with particular regard to private outdoor living space.

The Inspector noted that the appeal site lies close to the sea front. From her site visit she was aware of a considerable amount of building work which is currently being undertaken close to the appeal site, including the construction of new housing at the nearby Foxhall Village.

On the issue of balance of housing mix she noted that the appeal relates to a five storey property whose last use was as a hotel and which had 18 bedrooms in total. The proposed development would result in a private house which would have 10 bedrooms. She noted that the appeal site lies within the "Defined Inner Area" as designated by the Blackpool Local Plan 2001- 2016, adopted June 2006 (LP). The "New Homes from Old Places Residential Conversion and Sub- Division" Supplementary Planning Document adopted 2011 (SPD) provides detailed guidance to support Policy HN5 of the Blackpool Local Plan 2001- 2016 adopted 2006 (LP) which has as one of its objective to ensure that where conversions take place that these are undertaken to ensure that the quality of the housing stock is improved and that additional Houses in Multiple Occupation (HMO), bedsits or small flats, are not created which would work against the Council's objective to balance the housing mix in the inner areas by encouraging family accommodation and discouraging additional accommodation that would be attractive to a transitory population.

She was aware of the appellant's wish to provide accommodation for his extended family at the former hotel by its conversion to a private dwelling without unnecessary expense, and have noted that it would provide adequate levels of internal space in line with the Council's standards set out in the SPD. However, Policy HN5 of the Local Plan seeks to ensure that the layout of any converted property is consistent with living as a family. She noted that according to the appellant the ONS data on this LSOA suggests around nine percent of dwellings in the area have nine rooms or more and that 11 percent have five or more bedrooms. This is cited as suggesting that the property is not unusual which appears to be consistent with the rationale behind the policies of the Local Plan and the guidance contained within the SPD.

Whilst she understood the difficulties incumbent in converting a hotel into a family home she was the opinion that the proposed layout of the appeal property which includes a basin in seven bedrooms, a bedroom within the basement separated from the rest of the sleeping accommodation, a relatively small kitchen, and no dining room, would not reflect what would be generally considered to be accommodation suitable to family life. Consequently, whilst she noted that the appellant is willing to accept a condition which would preclude the conversion of the building to an House in Multiple Occupation, and that Table 1 within the SPD provides for family accommodation of more than five rooms, she concluded as a result of the proposed layout that the proposed development would be contrary to Policy HN5 of the Local Plan, and Policy BH1 of the Local Plan as the layout does not appear to be consistent with family accommodation, and therefore would not contribute towards a balanced housing mix.

On the issue of outdoor living space she noted that the New Homes from Old Places SPD advises that where there is a shortage of private outdoor space higher quality internal space is required to compensate. The proposed development provides for a games room which would give an area in which children could play. In addition the residents would have exclusive access to the outdoor space at the rear of the property. This would provide adequate, albeit, limited space in which to dry clothes, keep bins and sit out. Consequently, the level of private outdoor living space would in her opinion accord with Policy BH3 of the Local Plan which requires developments to meet the outdoor needs of their occupants for private outdoor living space.

5.2 LAND TO THE REAR OF 1-7 BROAD OAK LANE, BLACKPOOL (13/0604)

Appeal by Mr K Beardmore against the decision of Blackpool Council to refuse outline planning permission for the erection of seven bungalows – **APPEAL DISMISSED AND APPLICATION FOR COSTS DISMISSED**

The Inspector considered the main issues to be considered were,

- i) the effect of the proposed development on the character and appearance of the area,
- ii) whether the appeal site could be adequately drained without adverse flooding impact on neighbours,
- iii) the effect on local ecology,
- iv) the effect of other considerations including the supply of housing land in Blackpool Borough, and sustainability, on the planning balance.

He noted that the appeal site is an uneven field of approximately 0.7 hectares in open countryside immediately to the west of the built up edge of the village of Staining. The village is in the adjacent administrative area of Fylde Borough Council and the boundary between that authority and Blackpool Borough Council runs along the eastern side of the field. Open countryside extends to the north of the site, and the western side abuts the short rear gardens of a small number of mostly older, historic properties on Broad Oak Lane. To the south a small modern housing development is separated from the site by an area of trees and dense vegetation.

The access to the proposed development of seven detached bungalows would be from Broad Oak Lane. The layout plan shows the estate cul-de-sac running along the eastern side of the site. The north-west corner of the site is shown on the layout plan as a wild flower area to assist with the drainage of the site. However, in the subsequent FRA this area is partly shown as the location of a surface water attenuation pond.

CHARACTER AND APPEARANCE

In terms of the impact on character and appearance the Inspector noted that Broad Oak Lane is relatively narrow, has no footways and is edged by trees and high hedges giving it a very rural character. The appeal field is elevated above the lane by about

1.8m. During the Hearing the appellant confirmed that, in order to drain the site, the land nearest to the lane would have to be raised by up to a further 2m. Given the existing height of the land above the road and the proposed earthworks, the finished floor level of the dwellings would be substantially higher than Broad Oak Lane. Although the proposal is for bungalows with a ridge height of about 4.7m, the elevated dwellings would dominate the rural character of Broad Oak Lane and appear incongruous in relation to nearby properties, particularly the older small cottages to the west which are at road level.

He noted that Staining village is separated from the urban area of Blackpool by a narrow area of countryside designated as the Newton Hall/Preston New Road Countryside Area in the Blackpool Local Plan 2001-2016 (the Local Plan). Policy NE2 of the Local Plan states that the purpose of designating 'Countryside Areas' is to retain their existing character and to prevent peripheral urban expansion. Policy CS1 of the emerging Blackpool Local Plan: Part 1 Core Strategy (the Core Strategy) seeks to focus growth, development and investment in Blackpool Town Centre, the Resort Core and inner area Neighbourhoods to support the regeneration of the town. According to the Council the potential for development of the land west of Staining village, including the appeal site, was considered at the Issues and Options Stage of the emerging plan but was discounted in favour of protecting the character of this area of countryside and focusing development in the more central **areas of the town and lands to the south. The Core Strategy was submitted to the Planning** Inspectorate in December 2014, with the public examination scheduled for May 2015. The Council stated that only a limited number of representations had been received to the submission document. This was not challenged by the appellant. Given the advanced stage of the Core Strategy, therefore, and having regard to paragraph 216 of the National Planning Policy Framework (the Framework), the Inspector considered that Policy CS1 carries considerable weight in his decision.

Given the sporadic and isolated nature of the properties to the west of the appeal site, and the dense area of trees and shrubs to the south, he was not persuaded by the appellant's argument that the seven bungalows would be infill development. The proposal would in his view be an urban extension of the settlement into the designated area of countryside, the character and appearance of which would be significantly harmed, contrary to the objectives of Policy NE2 of the Local Plan and Policy CS1 of the emerging Core Strategy.

FLOOD RISK

In terms of flood risk he noted that the site is located in a Flood Zone 1 that, overall, has a low probability of flooding. Nevertheless, the area around Broad Oak Lane is susceptible to surface water flooding and I heard evidence from local residents and Staining Parish Council about the inundation of some of the properties in the lane and flooding in the more modern development immediately to the east of the site in Eddleston Close and Maclaren Close.

He noted that the February 2015 FRA states that the flooding of Broad Oak Lane 'is caused by surface water generated from the site flowing south onto Broad Oak Lane' and also confirms that the impermeable area of the site will be significantly increased under the development proposals. The strategy proposed by the FRA includes increasing the height of the land nearest to Broad Oak Lane to enable the surface water flow to be reversed and to be drained to an existing ditch along the northern perimeter of the site. To attenuate the surface water runoff, storage capacity within the site was proposed by means of a swale along the eastern boundary and an attenuation pond in the north-west corner.

He commented that the submitted concept drainage layout plan shows these open storage facilities immediately adjacent to the boundaries of neighbouring properties. The attenuation pond would be very close to a modern residential property on Broad Oak Lane and the elongated swale would run immediately behind the rear garden boundary fences of properties in Maclaren Close. On the site visit it appeared to him that these surface water storage areas would be at a higher level than the adjacent properties.

There was considerable debate at the Hearing about the state of the northern ditch which the FRA states, will be enlarged and re-graded within the confines of the site to provide capacity for the additional flow. On site, it was apparent that the ditch had been cleared recently, although this was said to have been undertaken by the County Council to improve drainage of the nearby school playing fields. However, no work had been undertaken downstream, outside the site boundaries, where the ditch appears to be culverted under an adjoining private garden. There was no perceptible flow along the ditch and despite a period of relatively dry weather, standing water was present as the culvert appeared to be blocked.

He commented that the FRA states that the surface water run-off from the site would be attenuated up to and including the one in 100 year event plus climate change and that discharge would be set at five litres per second per hectare. However, he had no evidence before me to demonstrate that this could be achieved. It appears from discussions on the site visit, that the FRA had not been informed by a detailed topographical survey of the site. Furthermore, the FRA has been prepared on the premise that the proposed layoutof the site is unknown and will be dealt with at detailed design stage, (paragraph 4.13). However, this is incorrect as the layout is not a reserved matter and he said must determine the appeal on the basis of the submitted layout plans.

Throughout the history of the application and the appeal the appellant has put forward a number of different proposals to drain the development. Initially it was suggested that the surface water flows would be directed to the south to an existing public sewer network in Broad Oak Lane. However, United Utilities confirmed that only foul drainage could be connected to the existing combined sewer due to restrictions in capacity. Subsequently, the layout plan submitted with the application showed a series of holding tanks/soakaways around the periphery of the site fed from a proposed perimeter land drain, with surface water discharged to a

culverted water course. Subsequently however, the appellant discounted the use of soakaways due to the impermeable ground conditions. The latest FRA confirms that there would be no storage tanks, drains and pumps on the site.

Given the apparent inconsistencies and substantial variations in the drainage schemes put forward by the appellant, he was not persuaded on the evidence before him, that it has been adequately demonstrated that the site would be drained satisfactorily, so as not to exacerbate flooding problems. The FRA states that the surface water generated by the site *will be less likely* (his emphasis) to flood Broad Oak Lane. This he felt is not particularly convincing and added to his concerns. Furthermore, given this level of uncertainty, and the fact that the appellant has deemed it necessary throughout the history of the proposal to put forward different drainage schemes for the site, he was not convinced that, on the evidence before him, that a condition requiring a detailed drainage scheme to be submitted would make the scheme acceptable, if the appeal were to succeed. He therefore concluded, that the development would fail to satisfy the objectives of Local Plan Policy NE10 which seeks, amongst other things, to ensure that new development will not increase the risk of flooding.

ECOLOGY

On the issue of ecology he noted that the appeal site is approximately 500m from the Marton Mere Site of Special Scientific Interest (SSSI) and there are biological heritage sites within about 1.5km. Natural England raised no objections to the proposal and was satisfied that the development would not damage or destroy the interest features of the SSSI. There are a number of ponds close to the site and ecological surveys submitted by the appellant identify the presence of a small population of great crested newts in one of the ponds approximately 400m from the site. The survey concludes that the proposal would have a negligible impact on this protected species. Natural England was of the same opinion.

Local residents and the Parish Council referred to the variety of wildlife in the area and the presence of great crested newts in local gardens and anecdotal evidence of the species being found on another building site nearby despite previous surveys to the contrary. However, he was persuaded by the evidence of the appellant's expert witness that, although great crested newts may roam away from the ponds, the development would not impact on these important potential breeding areas. From the evidence before him, he was also satisfied that the proposal would not adversely affect any other protected species or the local ecology, subject to conditions to secure biological enhancement measures if the appeal were to succeed.

OTHER CONSIDERATIONS - HOUSING LAND SUPPLY

At the time that the application was refused in late 2013, the Council could not demonstrate a five year supply of housing land against the annual target for the area in the former North West Regional Spatial Strategy. In the officer's report to the committee, the five year housing position was a factor in the recommendation to

approve the application. Core Strategy Policy CS2 identifies a lower target over the plan period, with a phased approach over the first five years. Taking into account the backlog over previous years and allowing for a buffer to allow for choice in the market, the Council argue that a five year supply of deliverable housing land now exists. This position is based on evidence in a number of technical papers including the Blackpool Borough Council – Strategic Housing Land Availability Assessment (June 2014) (SHLAA). Part of the change round in the Council’s position is said to be due to the fact that since 2011, following the publication of the Housing Accommodation Supplementary Planning Document, the Council has sought to protect less of its substantial stock of holiday accommodation in the town, thereby freeing up such accommodation for conversion for residential purposes.

The appellant disputes the Council’s position and, amongst other things, argues that the estimated windfall provision is excessive and that a number of sites on which the Council relies for the delivery of 187 homes, will not come forward. However, the inspector had limited evidence before him to support these claims. Planning Practice Guidance (PPG) advises that up-to-date housing requirements and the deliverability of sites to meet a five year supply cannot be fully reconsidered in the course of determining individual appeals where only the appellant’s evidence is likely to be present to contest the authority’s position. The Court of Appeal Judgement relating to Hunston Properties Limited (*St Albans City and District Council v Hunston Properties Ltd and Secretary of State for Communities and Local Government*, [2013] EWCA Civ 1610. Appeal Decision APP/J2373/A/14/2219739) similarly found that, “It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining an appeal, so as to arrive at a constrained housing requirement figure. An Inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done. That process is an elaborate one involving many parties who are not present at or involved in the Section 78 appeal.”

He commented that given the ongoing examination of the Council’s Core Strategy at the time of this Decision, it is not appropriate for him to carry out a forensic analysis of the Council’s housing land supply. However, on the evidence before him, including the up to date SHLAA, and the Blackpool Housing Requirement – Technical Paper (June 2014) he had no compelling reason to doubt the Council’s stated housing position. Policy NE2, which primarily relates to the protection of the character of the countryside, and in that respect is consistent with one of the core planning principles of the Framework, is not out of date and carries weight in this Decision.

SUSTAINABILITY

The Inspector commented that Staining village has a reasonable range of facilities including, a supermarket, school, surgery and access to public transport. The site is, therefore, in a sustainable location. However, due to the identified harm to the designated countryside area, the development would not satisfy the environmental

dimension of sustainable development that the Framework confirms should be sought jointly and simultaneously with economic and social gains. Therefore, the proposal would not represent sustainable development and the presumption in favour of such development set out in the Framework, would not apply.

PLANNING BALANCE AND CONCLUSION

The proposal would provide seven bungalows in a reasonably sustainable location and in an area acknowledged as having a population with a high percentage of retired people who may have preferences for bungalows. He was satisfied that there would be no adverse impact on local ecology or protected species. However, the development would extend the urban settlement into a designated area of countryside and would harm the character and appearance of this limited resource within Blackpool Borough. As such the proposal would not represent sustainable development. It has not been adequately demonstrated that the surface water run-off from the site, which the FRA confirms would be increased by the development, would be discharged satisfactorily without exacerbating the existing flooding issues in the area, particularly in Broad Oak Lane and the immediate properties. These adverse impacts would not be outweighed by the relatively limited benefits of the scheme.

Therefore, for the reasons given and having had regard to all other matters raised, he dismissed. Two s106 Unilateral Undertakings, designed to mitigate the impact of the proposal, were submitted by the appellants during the appeal process. In view of his overall conclusion, he commented that there was no need for him to consider the contents of these Undertakings further.

5.3 REAR OF 43 THRELFALL ROAD, BLACKPOOL, FY1 6NW (ref 14/0387)

Appeal by Mr T Mulligan against the refusal of planning permission for the installation of first floor windows and use of the first floor of premises as one self-contained permanent flat. **APPEAL DISMISSED**

This application was refused under delegated powers for various reasons including unsatisfactory standard of accommodation with poor outlook and lack of privacy, lack of off street parking, insufficient outdoor amenity space, loss of privacy/amenity for the adjacent residents and access via an alley gate being detrimental to pedestrian safety.

The Inspector acknowledged that the first floor is subject of a current enforcement notice concerning its use as a flat. He noticed that the surrounding area is primarily residential in character, although the appeal site is within a range of commercial units.

He accepted that the proposal meets floorspace standards for a four bed roomed flat as set out in the New Homes from Old Places SPD, however, the location of the flat in a rear alleyway means that future occupiers of the building would, be facing the

rear of dwellings on Threlfall Road and Eccleston Road. The outlook from the flat would be poor and relatively close to the neighbours and would pose a threat to the privacy of its occupiers and that of the neighbours because of the elevated position of the flat.

Furthermore, the absence of any outdoor amenity space, lack of separate waste and cycle storage areas together with the proximity of other commercial uses and the need to access the building through locked security gates at either end of the access way, adds weight to the findings that the location and position of the appeal property is generally unsuitable for residential accommodation. Therefore, failing to provide a good standard of accommodation for future occupiers of the proposed flat and that it would have a harmful effect on the living conditions of the occupiers of houses on Eccleston Road and Threlfall Road through loss of privacy.

The Inspector stated that the lack of off street parking would only generate a small amount of additional traffic and this would not lead to congestion or be harmful to pedestrian safety.

He concluded that for the above reasons, the appeal should be **dismissed**.

5.4 LAYTON INSTITUTE, WESTCLIFFE DRIVE, BLACKPOOL (14/0465)

Appeal by the Minotaur Group against the decision by Blackpool Council to refuse planning permission for External alterations include two new doors to rear and provision of 8 car parking spaces to rear and use of ground floor as altered as retail unit (Use Class A1) – **APPEAL DISMISSED**

The Inspector considered the main issues in this case are:

- whether, having regard to local and national planning policies, the proposal would result in the loss, reduction or retention of a community facility;
- whether the appeal site would be a suitable site for the retail element of the proposal, having regard to policies which seek to support the vitality and viability of Layton District Centre and nearby local centres;
- the effect of the proposed development on the living conditions of the occupants of nearby residential properties with regard to noise and disturbance;
- the effect of the proposed development on highway safety; and
- whether the consolidated first floor social club use would be accessible to all users.

COMMUNITY FACILITY

The Inspector noted that the appeal site comprises a red brick building on the corner of Westcliffe Drive and Granby Avenue and part of the bowling green to the rear. The appeal building and its bowling green were built in 1925-26 for The Layton Institute (the Institute), a Working Men's Club which was established in 1912. The building comprises about 1116 sq m of floorspace over two floors. On the ground

floor there are two separate bar areas serving a lounge and a large games hall. On the first floor there is a bar and stage serving a concert/events hall. At the rear of the building adjacent to the bowling green is an outdoor seating area which is accessed through the lounge.

She commented that Saved Policy BH21 of the Blackpool Local Plan 2001-2016 (Local Plan) seeks to protect Community Facilities. It indicates proposals which would lead to the loss of, or reduction in the size of a community facility will not be permitted unless the facility is appropriately replaced or the applicant can demonstrate that there is no longer a need for the facility or its alternative use to meet other community needs. This is consistent with the National Planning Policy Framework (NPPF) which indicates, at paragraph 70, that planning policies and decisions should plan positively for the provision of community facilities and guard against their unnecessary loss. She commented that from the evidence and the discussion at the Hearing it is clear that the Institute hosted many well-known performers and acts over the years and there is no dispute between the parties that as a result it became one of Blackpool's best known social clubs and a well-established community facility. However, the appellant also explained that in more recent years, as a result of a decline in membership and changes in social habits, the Institute struggled to remain viable and went into liquidation in December 2012. The freehold was subsequently purchased by the current owners, who specialise in the acquisition and running of Working Men's Clubs, and a new tenant was installed to run the establishment on a more open basis rather than purely as a club. However, despite this new management approach, it was put to her that the establishment, now known as The Layton, continued to struggle to operate and a further liquidation occurred in 2014. Another tenant has since taken over the premises.

She noted that the appellant contends that the appeal proposal seeks to provide a rescue strategy for the existing use on the site which is no longer viable in its current form. It is suggested that the use of the ground floor for a Class A1 retail use would provide enabling development to support the existing use which would be retained, albeit reduced in size, by its consolidation on the first floor level.

She commented that she did not doubt that, like many similar establishments, the existing business is experiencing difficult times. However, it is currently tenanted and as she saw from her site visit it appears to continue to enjoy the support of patrons even on a weekday afternoon. Insufficient information has been provided to enable a meaningful assessment of its continuing viability. The only evidence available in this respect being reference to the previous liquidations and anecdotal evidence of the difficulties experienced by the owners in securing another tenant. No information has been provided to indicate what attempts have been made to secure other community uses for the building or what other options have been explored to support the community use other than that currently put forward in the appeal proposal. Furthermore, although the appellant suggests that a retail use on the ground floor would serve to cross subsidize the existing use no details have been provided as to how such an arrangement would work or how it could be secured in the long term.

Taking all of the above into account therefore, she was not satisfied from the evidence before her that the continued use of the site solely as a community facility is not viable or appropriate. Accordingly, the reduction in the size of the existing community facility sought by the appeal proposal would be contrary to saved Policy BH21 of the Local Plan which, of the policies referred to by the Council in its first reason for refusal, is the most relevant to this issue. Policy LQ1 of the Local Plan relates to the quality of design and therefore does not appear specifically relevant to this issue.

VITALITY AND VIABILITY OF LAYTON DISTRICT

The National Planning Policy Framework (NPPF) requires main town centre uses to be located in town centres in the first instance and indicates that a sequential approach should be applied to proposals for town centre uses that are not in an existing centre. It indicates that local authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

She noted that Saved Policy BH12 of the Local Plan seeks to focus retail development and supporting town centre uses in Blackpool Town Centre and in other existing centres appropriate to their scale and catchment in order to sustain and enhance the vitality and viability of the town centre and supporting district and local centres. It also restricts retail development elsewhere unless certain criteria are met. The requirement for there to be a demonstrated need for the retail development is one of the criteria of the policy. This is not included within the NPPF. However, the policy is otherwise broadly consistent with the NPPF in that it seeks to focus retail development, a main town centre use, within town centres and to apply a sequential test to planning applications for such uses that are not in an existing centre. The appeal proposal seeks to use the ground floor of the appeal building which lies outside the boundary of Layton District Centre as defined in the Local Plan, as a Class A1 retail use for a convenience store of 350 sq.m. Therefore, it would constitute a main town centre use and consequently, in accordance with national policy, a sequential test is necessary. Where an application fails to satisfy the sequential test the NPPF advises that it should be refused (paragraph 27).

She commented that the application was not supported by a sequential test exercise. However, from the evidence before her and from what she saw on her site visit, Layton District Centre appears to be performing well and there are no vacant units or other sites within the defined district centre suitable to accommodate a convenience retail unit of the type and size proposed. Furthermore, there is no evidence that there are any preferable sites in other nearby centres. The type and scale of the proposed retail development would be commensurate with the existing district centre of Layton which, as indicated in the Local Plan, plays a vital role in providing convenience shopping facilities for a sizeable catchment, together with a range of other services and facilities.

She noted that the district centre extends along both sides of Westcliffe Drive. The appeal site lies on the western side of Westcliffe Drive and although not contiguous with the existing retail frontages on this side of the road, there being a cemetery in between, it is immediately opposite the existing retail frontages on the eastern side. Therefore, it seemed to her that it would not be unreasonable to conclude that it is contiguous to the existing shopping frontage as required by saved Policy BH13 of the Local Plan. In any event, the need to be contiguous is not a requirement of the NPPF. The site constitutes an edge of centre site as defined in the NPPF and is well connected to it. Therefore, the retail element of the proposal would meet the sequential test. I have also found below that overall the appeal proposal would not materially harm the living conditions of nearby residents. It therefore follows that the retail element could be achieved without harming residential amenity, a requirement also of saved Policy BH13. We referred to saved Policy BH16 of the Local Plan in our reason for refusal which relates to the development of new local shopping facilities outside existing shopping frontages. However, the necessity for there to be a demonstrated need for the development with no convenient existing local shopping provision is not consistent with the NPPF and accordingly, in line with the advice at paragraph 215 of the NPPF, she gave little weight to this policy in her consideration of this appeal.

Paragraph 26 of the Framework confirms that an impact assessment is not required for retail, leisure and office developments which are below 2,500 sq.m if, as is the case here, there is no proportionate locally set floorspace threshold. As such the appellant is not required therefore to assess the impact of the retail element of the proposal on the vitality and viability of Layton District Centre.

The Council indicates that there are already three well established convenience stores in the area. However, there is nothing to suggest that the retail element of the appeal proposal would have a negative impact on the existing range of uses in the centre or undermine its existing retail role. Moreover, it would enable linked shopping opportunities and would to some extent diversify the retail offer in Layton and provide greater consumer choice.

Taking all of the above into account, she was satisfied that the appeal site would be a suitable site for the retail element of the proposal having regard to policies which seek to support the vitality and viability of Layton District Centre and nearby local centres. Accordingly, it would not undermine saved Policies BH12 and BH13 of the Local Plan in this regard nor would it conflict with Policy CS4 of the emerging Blackpool Local Plan: Part 1 Core Strategy. However, the examination of this Plan has not yet concluded and it has not been adopted. It would also accord with the relevant provisions of the NPPF.

LIVING CONDITIONS

The appeal proposal would result in the creation of two separate uses in the appeal building. Deliveries to the proposed retail unit would be made at the front of the building where currently dray deliveries to the club are made. This would result in

dray deliveries being made at the rear of the building either from Granby Avenue or from the rear access road. The retail unit would have a customer access from both the front and rear of the building whilst the main entrance to the club would be relocated to the side of the building on Granby Avenue. Accordingly, there would be a degree of activity associated with each of the uses that would be likely to lead to noise and activity at certain times of the day. This would include the comings and goings of customers of each of the uses both on foot and in cars, and delivery vehicles. There are residential properties in Granby Avenue and on the opposite corner of Westcliffe Drive. However, the area is already subject to a degree of vehicular and pedestrian activity connected with the district centre and the existing use of the building, with an associated level of noise and disturbance. Accordingly, it seemed to her that, notwithstanding the proposed opening hours of the retail unit, given the existing levels of activity in the area coupled with the background noise of traffic on Westcliffe Drive and the relatively small size of the proposed retail unit, the comings and goings of customers and servicing vehicles associated with the proposal overall would be unlikely to materially add to levels of noise and disturbance, including light pollution in the area.

The appeal proposal would be likely to result in the need for air conditioning and refrigeration units to be installed on the building to serve the two separate uses. However, there is no substantive evidence to indicate that any noise emanating from such units could not be suitably controlled so as to not lead to an unacceptable increase in noise levels.

Overall therefore, she was satisfied that the appeal proposal would not cause material harm to the living conditions of the occupants of nearby residential properties with regard to noise and disturbance. Accordingly, it would accord with Policies LQ1, BH3 and BH4 of the Local Plan which, of the policies referred to by the Council in its second reason for refusal, are the most relevant to this issue. Taken together these policies seek to ensure that development responds to its surrounding environment and does not adversely affect residential amenity. She commented that Policies AS1 and LQ3 of the Local Plan referred to by the Council do not appear specifically relevant to this issue in so far as they relate to general development requirements regarding highways, transport and parking and to the layout of streets and spaces.

HIGHWAY SAFETY

The appeal proposal would provide 8 dedicated parking spaces at the rear of the building to serve the proposed retail use on the ground floor. However, this would be significantly less than the 15 spaces required to meet the Council's parking standards. Accordingly, it would be likely to increase the demand for on-street parking within the area, particularly on the southern side of Granby Avenue which is currently unrestricted and which, as she saw on her site visit, already experiences high levels of demand for its on-street parking provision, given its proximity to the district centre and the restricted parking on Westcliffe Drive. The existing on-street parking on Granby Avenue would restrict the forward visibility of vehicles exiting the

proposed car park. This would be likely to lead to increased opportunities for conflict between vehicles as well as between vehicles and pedestrians in what is already a somewhat congested residential street. The appellant suggests that parking restrictions could be imposed on the southern side of Granby Avenue in order to ensure adequate visibility for vehicles exiting the car park area. However, this would further reduce on-street parking capacity and would be likely to lead to congestion within the proposed car park given its limited capacity. The amended plans indicate that the access road would be the same width along its length which would assist vehicles in manoeuvring out of the car parking spaces. However, it is proposed that dray deliveries to the club on the first floor would be made from the rear of the building. The parking of dray vehicles on Granby Avenue to make deliveries would be likely to lead to road blockages whilst the use of the access road at the rear to make deliveries would lead to the loss of some parking spaces which, even on a temporary basis, would be likely to cause congestion within the car park. Furthermore, the access road would be of insufficient width to provide for the manoeuvring and turning of dray vehicles meaning that such vehicles would be unable to enter and leave the site in forward gear to the detriment of highway safety on Granby Avenue.

She concluded on this issue therefore, the proposal would cause harm to highway safety, with particular reference to car parking and deliveries. It would thus be contrary to Policy AS1 of the Local Plan which requires new development to provide appropriate levels of parking, servicing and operational space.

ACCESSIBILITY

She commented that the amended plans indicate the installation of a lift in the building. At the Hearing we confirmed that this would overcome our reason for refusal in relation to this issue. Accordingly, the proposal would comply with Policy AS1 of the Local Plan in so far as it seeks to ensure that new development provides appropriate access and facilities for people with impaired mobility.

OTHER PLANNING CONSIDERATIONS

BOWLING GREEN/OPEN SPACE

She noted that the appeal proposal would result in the development of part of the bowling green at the rear of the building to provide a vehicular access road and the car parking area to the proposed retail unit. Although the Council does not refer specifically to this issue in its reasons for refusal it is referred to in the Committee report and in third party representations. The appellant indicates that the bowling green has not been used for some time. However, the development of part of it would effectively lead to the loss of a bowling facility. In any event the bowling green/open space is still well maintained and is used for leisure purposes such as family fun days and fund raising events.

The NPPF indicates (paragraph 73) that high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The Planning Practice Guidance states that open space, which includes all open space of public value, can take many forms. It also indicates that it can provide health and recreation benefits to people living and working nearby, have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development and an important component in the achievement of sustainable development.

We indicated that, given the built up nature of Blackpool, open space has important recreational, sports and visual amenity benefits in its urban area as well as being highly valued by local communities. At the Hearing the appellant provided anecdotal evidence of the lack of demand for the bowling facility by reference to there being spare capacity at the nearby Layton Amateur Bowling Club. However, no formal assessment has been undertaken to show that the open space is no longer needed either as a bowling green or any other open space use such as those which it is currently used for. Furthermore, the appellant confirmed that there is no proposal to replace the loss resulting from the development with any alternative open space provision.

Accordingly, notwithstanding that the bowling green/open space at the rear of the building is not public open space, its partial development as a result of the proposal would be contrary to paragraph 74 of the NPPF. This indicates that existing open space, sports and recreational buildings and land, including playing fields should not be built on, unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

NON DESIGNATED HERITAGE ASSET

She noted that the existing building on the appeal site together with the associated bowling green to the rear, part of which is included in the appeal site, is identified on the our list of buildings of significant local architectural or historic interest. Accordingly, it constitutes a non-designated heritage asset as described in the NPPF and in accordance with the advice in the NPPF the effect of the proposal on the significance of the non-designated heritage asset should be taken into account in determining the appeal. The appeal building is a two storey red brick building with white terracotta dressings and a slate hipped roof with spirelets to the corners which, as detailed above, was built in 1925-26 for the Institute. It is a landmark building on Westcliffe Drive which forms a group with the bowling green at the rear, which was probably original to the scheme.

The appellant contends that the appeal proposal would provide for the retention of the building with only minor alterations which would occur at the rear of the building. She recognised that the appeal proposal would not alter the principal front façade of the building, there being no proposal to insert a shop front or alter the

existing fenestration pattern, and that the relatively large interior spaces at both ground and first floor would essentially be retained. Furthermore, any future proposals for the installation of ATM machines, roller shutters or advertisements would be most likely to require the consent of the Council and could therefore be controlled accordingly. However, as detailed above it is both the building and its associated bowling green which forms the non- designated heritage asset, the bowling green making an important contribution to its character and appearance. The appeal proposal would result in the development of part of the bowling green and would effectively lead to the loss of the bowling facility. Accordingly, in her view this loss would cause some harm to the significance of the heritage asset.

CYCLE PARKING

She noted that the amended plans indicate an area for cycle parking at the front of the building and we agreed at the Hearing that the details of the cycle parking provision could be secured through a suitably worded condition. Accordingly, she was satisfied that the appeal proposal would comply with Policy AS1 of the Local Plan in this respect.

OTHER MATTERS.

The Council contends that the grant of planning permission for the appeal proposal would set a precedent for similar development and uses of other clubs elsewhere. However, each application and appeal must be considered on its own merits. Accordingly she determined the appeal on its own merits in the light of the relevant planning policies and other material considerations. This matter therefore has not been determinative in my consideration of this appeal.

CONCLUSION

She found that the appeal proposal would support the viability and vitality of Layton District Centre and nearby local centres, cause no material harm to the living conditions of the occupants of nearby residential properties and that appropriate access and facilities for people with impaired mobility and sufficient cycle parking provision would be provided. However, in her view the harm that would be caused in relation to highway safety together with my concerns regarding the reduction in the size of the existing community facility, the loss of the bowling green/open space and the effect of this on the significance of the heritage asset are compelling reasons to dismiss the appeal. For these reasons therefore, she concluded that the appeal should be dismissed.

Does the information submitted include any exempt information?

No

None

5.5 Planning/Enforcement Appeals lodged

181 CLIFTON DRIVE, BLACKPOOL, FY4 1RU (14/0896)

An appeal has been submitted by Mr and Mrs Clifford Dunning against the Council's refusal of planning permission for Alterations to front dormer and installation of a balcony.

5.6 Does the information submitted include any exempt information? No

5.7 List of appendices

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan (Service Manager, Public Protection)
Date of Meeting:	4 th August 2015

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during June 2015.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Cases

New cases

In total, 105 new cases were registered for investigation, compared to 60 received in June 2014.

Resolved cases

In June 2015, fifteen cases were resolved by negotiation without recourse to formal action, compared with eight in June 2014.

Closed cases

In total, 55 cases were closed during the month (25 in June 2014). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in June 2015 (one in June 2014);
- One s215 notice authorised in June 2015 (three in June 2014);
- No Breach of Condition notices authorised in June 2015 (none in June 2014).

- No enforcement notices served in June 2015 (one in June 2014);
- Three s215 notices served in June 2015 (none in June 2014);
- No Breach of Condition notices served in June 2015 (none in June 2014);

relating to those cases set out in the table.

Enforcement notices / S215 notices authorised in June 2015

Ref	Address	Case	Dates
15/8139	24-26 Rawcliffe Street	Poor condition	S215 notice authorised 18/06/2015

Enforcement notices / S215 notices served in June 2015

Ref	Address	Case	Dates
14/8391	18 Gloucester Avenue	Poor condition	Compliance due 13/10/2015 unless an appeal lodged at Magistrates Court by 13/07/2015
14/8388	11 Clarendon Road	Poor condition	Compliance due 24/10/2015 unless an appeal lodged at Magistrates Court by 24/07/2015
14/8256	53 Kenilworth Gardens	Poor condition	Compliance due 31/10/2015 unless an appeal lodged at Magistrates Court by 31/07/2015

5.2 Does the information submitted include any exempt information? No

5.3 List of Appendices:

None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

COMMITTEE DATE: [04/08/2015](#)

Application Reference: 14/0608

WARD: Stanley
DATE REGISTERED: 09/09/14
LOCAL PLAN ALLOCATION: Industrial improvement zones
Main Industrial / Business Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: LS Retail Warehousing Ltd

PROPOSAL: Erection of single storey retail food store (Use Class A1) with main pedestrian access from the Blackpool Retail Park, creation of vehicular access through from the Blackpool Retail Park to the Squires Gate Lane Industrial Estate, creation of 44 car parking spaces and associated servicing area and landscaping, following demolition of existing buildings.

LOCATION: UNITS 21-25 SQUIRES GATE INDUSTRIAL ESTATE, SQUIRES GATE LANE, BLACKPOOL,

Summary of Recommendation: Defer for delegation to the Head of Development Management

CASE OFFICER

Gary Johnston

INTRODUCTION

The applicant, LS Retail Warehousing Ltd, owns the adjoining land at Blackpool Retail Park which comprises a series of non food retail units. Members should be aware that Fylde Council has recently granted planning permission for a 1,762 square metres retail foodstore with 85 car parking spaces on the former Westgate House site further to the west along Squires Gate Lane (Fylde Reference 14/0358). Members should also be aware that the application site falls within the proposed Enterprise Zone based on the airport which was announced in the Budget on 18 March 2015 and which will become operational in January 2016.

SITE DESCRIPTION

This application relates to a site of some 0.7 hectares in area which is currently occupied by some 2,000 sq metres of floorspace contained in a rectangular building. The site is bounded to the north and west by the Blackpool Retail Park with industrial premises of the Blackpool Business Park to the south and the main building of the Squires Gate Industrial Estate to the east. The existing building sits approximately 150m to the south of the signalised junction on Squires Gate Lane that gives vehicular access to the estate. At present the building is split into three units(it was originally five units) and it is understood that all three are currently vacant. An access road connects the industrial estate with the retail park immediately to the north of the site but vehicle access is currently blocked. The site is some 200 metres from the St Annes Road Local Centre (as the crow flies) and some 320 metres if footways in Squires Gate Lane or Amy Johnson Way are used.

DETAILS OF PROPOSAL

The application would involve the demolition of the existing building and the redevelopment of the site to create a single storey retail unit with associated servicing and parking space. The unit would measure 1,740 sq metres (gross) with a net retail floor area of 1,255 sq metres. The building would be rectangular in shape and it would be orientated to face the existing retail park to the west. It would be flat roofed and would contain extensive areas of glazing to meet the requirements of a food retail operator. There would be a new vehicular link to the retail park and 44 car parking spaces would be provided which would increase the number of car parking spaces at the retail park to 568 spaces. It is suggested that the development would create 84 jobs and improvements to the roundabout junction of Amy Johnson Way and Blackpool Retail Park/Morrisons are proposed as part of the development.

The application is accompanied by a Planning Statement, Design and Access Statement and Transport Assessment.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- The impact of the loss of the site on Blackpool's supply of employment land;
- The acceptability of a retail development in this location;
- The impact of the scheme on parking, highway and pedestrian safety;
- The acceptability of the design.

These issues will be discussed in the assessment section of this report.

CONSULTATIONS

United Utilities (drainage): In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority: an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable a sewer (approval must be obtained from United Utilities) To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Drainage Conditions - United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval: This site must be drained on a separate system combining just prior to connection to the public network. Surface water discharging to the public surface water sewerage system must be attenuated to a maximum discharge that mimics the existing site run off plus 40% betterment to combat the effects of climate change.

Blackpool Services, Contaminated Land: Looking at the Technical Report that has been provided, the risk assessment shows that there is a medium risk of contamination being present during the construction phase - what methods are in place to prevent this risk? Also looking at the leachate data results there is an elevated concentration of copper - how will this be remediated?

Environment Agency: We have no objection in principle to the proposed development and would like to offer the following comments: Water Management - we note that the applicant is looking to

achieve BREEAM 'Very Good' status for the development, which is to be commended. We request that as part of this the applicant seeks to manage water on site as efficiently as possible by minimizing use of water and attenuating surface water run-off where practicable. These measures would reduce the volume of water entering the combined sewer system and consequently contribute towards improvements in Bathing Water Quality.

Environmental Protection Service: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Police Architectural Liaison Officer: Having looked at the plans and noted the building design details contained in the Design and Access statement , I have no concerns . Building design - Windows will be installed to BS7950 and perimeter doors to LPS 1175 grade 3. The windows will be fixed glazing. Windows will have laminated double glazed units. Doors and windows are manufactured from steel with no visible external ironmongery. An intruder alarm will be installed to the building (Monitored). The entrances to the store for customers are in an obvious position at the front facing the car park adjacent to both access roads. Extensive glazing to the entrance offers an active frontage with vision to the car park. There are no recesses to the ground floor of the building exterior. There are no areas to the roof that are accessible.

WASTE - Commercial: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Head of Transportation: No objections in principle to the proposed development. There have been extensive discussions with the applicant's Highways consultant regarding the nature of the proposal and the extent of off site highway works required to facilitate the development. Discussions have centred around the junction of the estate road with Squires Gate Lane and Amy Johnson Way and its junction with Squires Gate Lane. In terms of impact it is felt that the benefits of improving the roundabout junction of Amy Johnson Way with the accesses to the retail park and Morrisons outweigh the benefits of upgrading the signal junction of the estate road with Squires Gate Lane. In addition a review of the the operation of the two signal junctions would be required. The works would need to be covered by a Section 278 Agreement

Blackpool International Airport: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

PUBLICITY AND REPRESENTATIONS

Press notices published : 25 September 2014 and 30 April 2015

Site notices displayed : 23 September 2014 and 30 April 2015

Neighbours notified : 15 September 2014

A letter of objection has been received from Hollis Vincent on behalf of the Baxter Group Ltd, the applicant for the planning application for the foodstore on the Westgate House site, further to the west on Squires Gate Lane (Fylde reference 14/0358). The letter of objection refers to two key areas of objection -

- loss of industrial land and the proposal being contrary to Policy DE2 of the Blackpool Local Plan 2001-2016
- failure to comply with the sequential test as required by paragraph 24 of the NPPF

The letter of objection and attachments are appended to this report. The issues raised will be covered in the assessment part of this report

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions

Paragraph 11 reiterates this requirement

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place

Paragraph 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking.

Paragraph 21 requires authorities to set out a clear economic vision and strategy for their area

Paragraph 22 suggests that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose

Paragraph 24 of the National Planning Policy Framework (NPPF) states that local planning authorities (LPAs) should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. LPAs should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 requires impact assessments for retail, leisure and office uses which are proposed on an out of centre site and where the floorspace proposed is over 2500 sq metres

Paragraph 32 states that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site the reduce the need for major infrastructure; safe and suitable access to the site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 61 states that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations

Paragraph 186 states that Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 states that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

National Planning Practice Guidance

The National Planning Practice guidance was published in March 2014 and elaborates on various aspects of the NPPF. In the section regarding 'ensuring the vitality of town centres' further advice is given on town centre strategies and on the sequential test and impact assessments in terms of out of centre uses.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy LQ1 Lifting the Quality of Design states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

Policy LQ2 Site Context states that the design of new development proposals will be considered in relation to the character and setting of the surrounding area. New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. These locations include locations affecting the setting of a Listed Building or should be a high quality contemporary and individual expression of design.

Policy LQ4 Building Design states that in order to lift the quality of new building design and ensure that it provides positive reference points for future proposals, new development should satisfy the following criteria:

(A) Public and Private Space - New development will need to make a clear distinction between areas of public and private landscaping utilising appropriate landscaping treatments. Residential developments will be expected to achieve a connected series of defensible spaces throughout the development.

(B) Scale - The scale, massing and height of new buildings should be appropriate for their use and be related to:

(i) the width and importance of the street or space

(ii) the scale, massing and height of neighbouring buildings.

(C) Design of Facades - The detailed appearance of facades will need to create visual interest and must be appropriate to the use of the building. New buildings must have a connecting structure

between ground and upper floors composed of:

- (i) a base, of human scale that addresses the street
 - (ii) a middle, of definite rhythm, proportions and patterns, normally with vertical emphasis on the design and positioning of windows and other architectural elements
 - (iii) a roof, which adds further interest and variety
 - (iv) a depth of profile providing texture to the elevation.
- (D) Materials - need to be of a high quality and durability and in a form, texture and colour that is complementary to the surrounding area.

Policy LQ6 Landscape Design and Biodiversity states that new development will be required to incorporate appropriate landscaping and benefits to biodiversity wherever possible, that:

- (a) enhances the spaces between and around buildings, including new streets
- (b) retains existing mature trees, shrubs, hedgerows and other landscape features and species, or habitats of ecological importance, within the site where possible and incorporates them into the overall design
- (c) makes provision for appropriate replacement planting or creation of features where the removal of existing mature landscaping or important ecological species or habitats is unavoidable
- (d) provides new planting of appropriate specification, including the use of indigenous species and semi-mature planting, where appropriate
- (e) avoids the creation of left over spaces
- (f) provides an adequate buffer between obtrusive developments, such as industry, and other uses.
- (g) avoids interference with the operation of public CCTV systems where in place.

Development proposals will be required, where appropriate, to submit a suitable and comprehensive landscaping scheme, with clear proposals for implementation and maintenance, as part of the planning application.

Policy BH3 Residential and Visitor Amenity states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;
and/or
- (ii) the use of and activity associated with the proposed development;
or by
- (iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

Policy BH11 Shopping and Supporting Uses - Overall Approach states that the Council will maintain and enhance hierarchy of centres shown on the Proposals Map in order to provide access to a wide range of shops, services and other activities accessible to all sections of the community, with the town centre the focus for major new development. New retail, cultural and community development and other key town centre uses will be permitted in Blackpool Town Centre, the district centres and local centres appropriate to the scale, role and character of each centre.

Policy BH12 Retail Development and Supporting Town Centre Uses details the policy approach to retail development and supporting town centre uses. It highlights that proposals for the development of retail, cultural, community and other key town centre community uses which attract a lot of people, including extensions and changes of use, will be focused on Blackpool Town Centre, and in other existing centres appropriate to their scale and catchment. Such uses will only be permitted elsewhere where all the following criteria are met:

- The proposal either by itself, or cumulatively with other recent and committed developments, would not cause material harm to the vitality and viability of Blackpool Town Centre, district and local centres, or any other nearby town centre.
- The development would not undermine the Councils strategies and proposals for regenerating such centres.

- The proposal is located in accordance with the sequential test, having regard to the need for flexibility of format, design and scale. First preference is for locations in appropriate existing centres, followed by edge of centre sites, and only then out of centre sites.
- More local facilities in accordance with their scale and catchment and consistent with the above hierarchy will be appropriately located within other smaller local centres.
- The site is readily accessible by a choice of means of transport, and is well served by public transport.

Policy BH14 Local Centres highlights that Local Centres provide for day-to-day convenience shopping needs and other supporting uses readily accessible by a walk-in local catchment. The policy seeks to safeguard and enhance the role of Local Centres. Proposals for retail uses which reinforce the role of the local centres will be permitted.

Policy NE10 Flood Risk states that development in areas at risk from flooding (including tidal inundation) will only be permitted where appropriate flood alleviation measures already exist or are provided by the developer. Developments will not be permitted which would increase run-off that would overload storm drains or watercourses. Sustainable drainage systems will be used in new developments unless it can be demonstrated to the Council's satisfaction that such a scheme is impractical.

Policy AS1 General Development Requirements states that development will be permitted where the access, travel and safety needs of all affected by the development are met as follows:

- (a) convenient, safe and pleasant pedestrian access is provided
- (b) appropriate provision exists or is made for cycle access
- (c) effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- (d) appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- (e) appropriate provision exists or is made for public transport
- (f) safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- (g) appropriate traffic management measures are incorporated within the development to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport
- (h) appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

Where the above requires the undertaking of off site works or the provision of particular services, these must be provided before any part of the development comes into use.

Policy AS2 New Development with Significant Transport Implications states that new developments which would generate significant levels of travel will only be permitted in locations which have good access to the existing main highway network and which are well served by sustainable modes of transport. All proposals at or exceeding 500sqms gross floor area will be required to be supported by a simple Transport Assessment. A comprehensive Transport Assessment and a Travel Plan will be required for all proposals at or exceeding the thresholds set out in Appendix B. Where the above requires the undertaking of off site works or the provision of particular services, these must be provided before any part of the development comes into use. The Council will refuse development which generates excessive or inappropriate traffic in the locality.

Policy DE1 Industrial and Business Land Provision states that land within the defined industrial /business estates will be retained for industrial/business use. The Squires Gate Industrial Estate is deemed appropriate for office/research and development/light and general industry and warehousing uses. Part (c) of the policy says retail and other non Class B uses will not be permitted

Policy DE2 Industrial Improvement Zones identifies the Squires Gate Industrial Estate as an improvement zone with the potential for major redevelopment and enhancement as an integral expansion of the Blackpool Business Park

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the Council on 25th June 2014. The document was published for public consultation on 4th July 2014 for a period of eight weeks. After the consultation ended the document was updated and was submitted to the Planning Inspectorate in December 2014 for examination in May 2015. The examination took place between 11 and 15 May and we are now awaiting the response from the Inspector.

Paragraph 216 of the NPPF allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. Overall, a limited number of representations were received to the Proposed Submission document. Of those representations made expressing concern with the proposed policies, it is not considered that the issues raised justify the need for modifications to be made to the policies prior to submission (other than minor modifications to improve clarity for example). Therefore, the Council considers that, due to the advanced stage of the Core Strategy all relevant policies to this development should be given considerable weight in decision making.

Emerging policies in the Core Strategy Submission version that are most relevant to this application are:

- CS1 - strategic location for development
- CS3 - economic development and employment
- CS4 - retail and other town centre uses
- CS5 - connectivity
- CS7 - quality of design
- CS9 - water management
- CS10 - sustainable design
- CS24 - south Blackpool employment growth
- CS27 - south Blackpool connectivity and transport

EVIDENCE BASE TO THE BLACKPOOL LOCAL PLAN : CORE STRATEGY

Blackpool Employment Land Study 2014 - identifies the Squires Gate Industrial Estate as a 19.9 hectare landholding (of which the application site comprises 0.7 hectares). It notes that the site is primarily the former aircraft factory building and that there are a limited number of occupiers on the estate. It records the building quality as poor with a run down appearance. It also records the current market attractiveness as poor but that the attractiveness would be substantially improved through wider enhancement/redevelopment of the estate. In the context of general shortage of industrial/business in the town and with its relationship to the airport and its strategic location the redevelopment of the site will form an important component of growth in south Blackpool. The extract from the study is reproduced below -

Squires Gate Industrial Estate

4.34 The Squires Gate Estate is located between Blackpool Business Park and Sycamore Trading Estate; together the three estates provide a significant concentration of employment land on Blackpool's southern boundary. The site is extensive, covering an area of 19.9ha, with a strong

presence on the A5230 Squires Gate Lane frontage. It is a long established estate originating from a wartime airfield and aircraft factory. The substantial former factory warehouse buildings remain in situ and dominate the main part of the estate, although they are now largely vacant.

4.35 ING bought the majority of the site in 2001; Ravenside Investments own units 21-25 along the western boundary. Until recently, there were few vacancies and the area made a substantial contribution to the Blackpool economy and local employment. However, more recently there has been considerable change in the occupancy and use of the main premises. Two major occupiers, Arvin Meritor and B&M Bargains, have both downsized considerably their Blackpool base and consequently there has been a steady increase in vacant units. The format of the existing buildings together with the tired and rundown appearance of the estate makes them difficult to let in their current form. This presents a major redevelopment opportunity which can capitalise on the site's two major assets - convenient access to strategic transport networks including Junction 4 of the M55 motorway and its location adjacent to Blackpool Airport which provides opportunities for airport related growth.

4.36 The estate is designated as an Industrial Improvement Zone (with potential for major redevelopment and enhancement) in the current Blackpool Local Plan. Increasing vacancy levels in recent years means redevelopment is more likely to come forward in the short to medium term, to secure the long term future of the site. As well as providing quality employment space meeting modern business needs, redeveloping the site presents opportunities to improve linkages to the adjoining employment estates, improve site access and provide a more prominent frontage to the A5230 Squires Gate Lane.

4.37 In the wider sense, major new employment development will help to strengthen and diversify the local economy, provide new employment opportunities and support the role of Blackpool Airport corridor as being a key spatial priority for economic development in the Fylde Coast sub-region. Improving the occupancy of existing sites will be an important element of future supply given Blackpool's shortage of development land.

4.38 The historical use of the site means there are likely to be development constraints, which could include demolition costs, site clearance and remediation and the provision of new/replacement infrastructure. To facilitate site regeneration, redevelopment opportunities which introduce a suitable mixed-use development will be considered where this would secure the future business and industrial use of the site. Any enabling development would need to be appropriately justified.

Recommendation: Retain as safeguarded employment land and support redevelopment opportunities for new employment-led uses (some enabling development will be considered providing this is justified and would not compromise other Core Strategy objectives)

Employment Land Technical Paper 2014 - provides justification and explanation of the Council's approach to meeting future employment land requirements over the plan period to 2027. There are 13 main industrial/business locations in the town which are safeguarded for employment use in the current Local Plan. These locations amount to 182.1 hectares of land of which 21.6 hectares remained undeveloped at the time the paper was produced. Of these 21.6 hectares it is considered that 11 hectares is reasonably attractive, suitable and available for development and that some may be lost as part of an enabling development scheme giving a total of 17.8 hectares. Based on past take up rates a requirement of 31.5 hectares is identified for the period up to 2027. The document suggests safeguarding the existing employment allocations and recognises the commitment of Fylde Borough Council to provide 14 hectares of land to meet Blackpool's requirements as part of the Duty to Cooperate (our shortfall is identified as 13.7 hectares)

Fylde Coast Retail Study 2011 - the study identifies that there is no overall need for further convenience goods retail floorspace in Blackpool up to 2021 and limited capacity post 2021. This was on the basis that Sainsburys store as part of the Central Business District would come forward (which

it has and it opened in July 2014)

Fylde Coast Retail Study 2013(update of 2011 study) - identifies a need for 2,825 square metres of additional food retail floorspace in the period 2013 to 2030

ASSESSMENT

The impact of the loss of the site on Blackpool's supply of employment land

The proposal would represent a departure in terms of the Blackpool Local Plan as the site is allocated for industrial, warehouse and office purposes in the Local Plan (Policy DE1) (and Policy CS3 in the Core Strategy) and being part of the Squires Gate Industrial Estate the suggestion is that the estate would see major redevelopment and enhancement to form an extension to the more modern Blackpool Business Park to the south and west (Policy DE2). The site amounts to 0.7 hectares of land of the total industrial estate of 19.9 hectares and the building on the site extends to some 2000 square metres. It was previously three units. The applicant has been asked to provide evidence that the marketing of the units has not resulted in any interest and that the owner has considered refurbishment and subdivision of the units i.e. that the owner has shown a flexible approach to the future use of the floorspace. The applicant has also been asked to supply evidence that there is a surplus of such accommodation on the market. In response the applicant's agent has stated that the units have not been the subject of a bespoke marketing exercise but suggests that there is no interest in their re use principally because of their condition and the facilities they offer. The applicant's agent cites the Council's Blackpool Employment Land Study 2014(BELS) which acknowledges that the units on the Squires Gate Lane Industrial Estate have a tired and rundown appearance and poor market attractiveness which are contributory factors as to why the units have not been let. The applicant's agent suggests that size of the units is within the range for which there is demand but there are better quality units available which are more likely to be taken up. The agent has identified 15 properties in the southern part of Blackpool and the northern part of Fylde within the range of 200 square metres to 2000 square metres suggesting that there is some 10,244 square metres of floorspace available (excluding the units on the application site) and 68% of this floorspace is in Blackpool. Further the agent is suggesting that the Council's BELS identifies 129,000 square metres of industrial and warehouse space in the town and hence the loss of 2000 square metres of lower quality floorspace would not be material when set against this overall amount. In addition the agent is suggesting that in real terms when assessed against the Council's employment land supply and the 14 hectares to be provided by Fylde as part of the Duty to Cooperate the under supply will be less than the 0.7 hectares of the application site.

Members will be well aware of the concerns officers have regarding the availability of employment land to meet the current and future needs of the town and the arguments have been rehearsed recently in the case of the former TVR site where members approved the loss of 0.86 hectares of employment land (12/0485 refers), another part of the TVR site where members resisted the loss of 1.1 hectares of land (13/0614 refers) and Sandersons Way where members resisted the loss of 0.46 hectares of land (14/0281 refers). At the last meeting of the Planning Committee Members approved the use of part of an existing industrial unit as a children's play barn (71 Moor Park Avenue - 15/0104). Members will also be aware that the Council cannot fulfil its future needs within its administrative boundaries and under the Duty to Cooperate it is looking to Fylde Borough Council to provide 14 hectares of land to provide for this Council's future employment needs. Whilst the NPPF advises Councils not to protect land allocated for employment use where there is no reasonable prospect of it being used for that purpose there is a tension with that requirement and the Council's requirement to provide for the town's future needs. The units have been relatively recently vacated - in 2013 and 2014 with one occupied at the time the application was lodged and hence they have not been vacant for a long period of time. The incremental loss of employment land for other uses could cumulatively impact on future supply. Whilst 0.7 hectares would represent 0.02% of the future need if this is combined with the TVR site (0.86 hectares) this increases to 0.05% and other incremental losses would

further push up this figure. There is also the issue of the Council needing to rely on Fylde Borough Council in meeting some of this Council's future needs and the message that sacrificing some of this Council's land sends out.

As mentioned above there is a tension between current Local Plan Policy DE1 and para 22 of the NPPF regarding long term protection of sites where there is no reasonable prospect of a site being used for employment purposes. The Local Plan was adopted in 2006 and shortly after that a period of recession took hold which severely impacted on business development. Policies CS3 and CS24 of the Core strategy have been formulated since the NPPF was published in 2012 and have recently been tested as part of the Inspector's examination of the Core Strategy. The Inspector was keen to understand how the policies aligned with paras 22 and 51 (re use of vacant floorspace for housing) of the NPPF in terms of offering flexibility. The Council argued that the policies do offer flexibility where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. In this case the site has a frontage of some 35 metres to Blackpool Retail Park car park (and the western and northern boundaries of the site abut the retail park) but is part of the larger Squires Gate Industrial Estate, which is principally made up of the large former aircraft manufacturing building to the east of the application site on the other side of the estate road. A further part of the industrial estate is to the south of the service areas to the units forming part of Blackpool Retail Park. If it is accepted that the units do not have a realistic prospect of being used for employment purposes would their release for another use prejudice the retention of the other units/land forming the Squires Gate Industrial Estate? It could be argued that because of its relationship to the units on the Blackpool Retail Park this particular site is unique and its loss would not open the flood gates for other retail applications on the Squires Gate Industrial Estate and other industrial estates.

The situation is further complicated by the fact that the site will come within an Enterprise Zone which will be effective from January 2016. The 144-hectare Enterprise Zone aims build on the existing strength of the local economy, including the oil and gas industry and the Enterprise Zone justification estimates the plans could deliver more than 176,000 square metres of floor space and create more than 1,000 jobs. This designation could enhance the attractiveness of the industrial estate for development.

The starting point is therefore that the proposal is contrary to Policy DE1(c) of the Local Plan which dates from 2006. Unfortunately no Improvement Zone plan as envisaged by Policy DE2 of the Local Plan has been prepared by the Council and there has not been any owner led regeneration/improvement of the estate. This could in part be as a result of the recession. The material consideration is the Government's desire to avoid the long term protection of industrial land where there is no reasonable prospect of the site being used for that purpose (para 22 of the NPPF). In this case the units are lower quality and whilst they have been occupied in the past they are lower quality.

The proposal is not being packaged as enabling development as referred to in Policies CS3 and CS24 of the Core Strategy but rather as a stand alone development given its location abutting the retail park and segregated from the remainder of the industrial estate by the estate road. Whilst it is suggested that there is no market for the units on the site there is no evidence that should the units be demolished the land could not be redeveloped for industrial purposes.

On balance given the circumstances in this case, the location of the site with 2 frontages to the retail park and given it is segregated from the main part of the industrial estate together with its size is not considered significant in terms of its loss to employment land purposes and its loss will not prejudice the redevelopment of the larger 19 hectare site to the east of the estate road.

Acceptability of retail development in this location

The National Planning Policy Framework (NPPF) removed the requirement for the need for a town centre use in an out of centre location to be justified. Members' attention is however drawn to the Fylde Coast Retail Study which suggests that there is no need for additional food retail floorspace. An update to this study was undertaken in 2013 and this identifies a need for 2825 square metres of additional food retail floorspace between 2013 and 2030. It does however retain the need for a sequential test to be applied with the hierarchy being town centre first, followed by edge of centre, followed by out of centre with preference being given to accessible sites which are well linked to the town centre. It also retains an impact assessment on the town centre but sets a threshold of development of 2500 square metres or more of floorspace (the application proposal is 1740 square metres). In this case therefore the assessment must be based only on the sequential test coupled with the issue of the loss of this allocated industrial land which is dealt with above.

Notwithstanding that there is no specific requirement to provide an impact assessment given the scale of the proposed development - it is under the 2500 square metres threshold, the applicant's agent has provided an impact assessment which suggests that there is existing over trading in terms of the 3 main out of centre supermarkets to the south of the town centre (Asda at Cherry Tree Road, Tesco at Clifton Road and Morrisons at Squires Gate Lane) and that the proposed store would compete directly with the Morrisons store which has the highest level of overtrading. The suggestion is that the turnover of the store would be £7.80 million at 2014 figures rising to £7.96 million in 2019 and that 70% of this would be from a diversion of spending from other out of centre food retail stores. In terms of town centre trade diversion of the proposed development and other commitments the figure would be £1.48 million which would represent an 0.4% impact on the town centre. The NPPF and NPPG refer to 'significant adverse impact' on a town centre and clearly a 0.4% would not fall within this category. The applicant's agent has been asked to provide evidence that the cumulative impact of this proposal and the food store approved on the Westgate House site would not have an adverse impact on the Town Centre and other centres and this information is awaited

Para 24 of the NPPF requires Local Planning authorities to undertake a sequential test for retail proposals that are not proposed to be located in an existing centre. In this case the proposal would not be within a district or local centre identified in the Blackpool Local Plan. The NPPF identifies a hierarchical approach to sites for retail development as set out above

In terms of the sequential test the application site is considered to be out of centre and is linked to the town centre by the number 5 and 7 bus services with the nearest stops being in St Annes Road so there is no bus service that would alight outside the proposed store. Indeed in walking distance the nearest stops would be some 320 metres away (there is a bus stop on the southern side of Squires Gate Lane close to the estate road junction served only by service 688).

The applicant's agent is trying to suggest that the site is edge of centre (edge of the St Annes Road Local Centre) and relies on his interpretation of the definition of edge of centre in the NPPF. It suggests that an edge of centre location should be well connected to the town centre and is up to 300 metres from a primary shopping area. Interestingly it also talks about the need to take into account local circumstances as part of this assessment. In this case at its nearest point the application site is some 200 metres from the St Annes Road Local Centre as the crow flies and separated from it by a busy dual carriageway. If you then consider that pedestrian routes are along Squires Gate Lane and then down the industrial estate road or along Amy Johnson Way and through the car park to the Blackpool Retail Park the application site could hardly be described as well connected to the Local Centre. To my mind these local circumstances put the application site as out of centre. The proposal would be an extension of the out of centre Blackpool Retail Park and has an edge of centre

relationship to this retail park.

The applicant's agent has been asked to consider a number of sequentially more preferable sites-
Talbot Gateway

The Apollo site and adjacent car park, Talbot Road

The Devonshire Road Hospital site

Booths Car Park, Highfield Road

Booths store, Highfield Road

Industrial Units, Common Edge Road/ Stanmore Avenue

Commentary has also been provided on the relative merits of the Westgate House site, which now has planning permission for a 1,762 sq metres retail food store.

The applicant's agent has discounted the various sites for various reasons - too small, not currently available, too costly to convert/adapt and also that they would not serve the catchment that the proposed food store is seeking to serve. Broadly speaking this catchment extends westwards to New South Promenade, north westwards to the Highfield Road/Lytham Road junction, northwards to the St Annes Road/Pedders Lane junction, north eastwards to the Highfield Road/Midgeland Road junction, eastwards to the Progress Way/Midgeland Road junction. It includes areas south of Squires Gate Lane, largely in Fylde with the only residential areas centred around Westgate Road (in Fylde) and Common Edge Road (in Blackpool). Within this catchment is the Highfield Road district centre and a number of local centres. There are no sites of a suitable size to accommodate the application proposal in any of these centres. The applicant's agent has commented that the sequentially preferable Booths store on Highfield Road (which is scheduled to close in August) is no longer available for consideration but no written confirmation of the position has yet been received. This store is on the edge of the local centre at the junction of Highfield Road with Common Edge Road and has a pedestrian route from the western end of the store car park to the local centre. It also has bus stops near the store and a large residential catchment area within walking distance.

A central plank of the applicant's case is that the application site will serve this catchment, it will provide a qualitative benefit in terms of food retailing, it will stem the overtrading at the Morrisons foodstore adjacent the Blackpool Retail Park, it will benefit from linked trips to Morrisons and the retail park. These are more compelling arguments than trying to suggest that the site is edge of centre and that it is easily accessible on foot, by bike and by bus. Being sited south of Squires Gate Lane the southern half of the catchment for the proposed store is largely employment or airport land and hence there is not a large residential hinterland south of the application site within easy walking distance of the site. The residential catchment is largely to the north of Squires Gate Lane - a busy dual carriageway with limited pedestrian crossing points and limited bus stops. Whilst the site is within the built up area of Blackpool in relative terms it is less accessible than the district and local centres identified in the Local Plan because these have residential areas contiguous with their boundaries with a large walk in population and are largely served by bus services with bus stops in or close to the centres.

Indeed comparing the site to the Westgate House site, they are both out of centre, the Westgate house site has a frontage to Squires Gate Lane, it has a more immediate residential catchment (properties in Westgate Road), there is a bus stop in front of the Westgate House site and bus stops on Lytham Road and more services linking the Westgate House site to St Annes and Blackpool town centres. It is however further away from the local centres at Starr Gate and Abbey Road than the application site is to the St Annes Road local centres and would not benefit from linked trips.

Policy CS4 of the Core Strategy part 3. relates to edge of centre and out of centre retail proposals and comprises 4 criteria

- a - there are no more centrally located/sequentially preferable, appropriate sites available for development
- b- the proposal would not cause significant adverse impact on existing centres
- c- the proposal would not undermine the Council's strategies and proposals for regenerating its centres
- d - the proposal will be readily accessible by public transport and other sustainable transport modes.

In this case there are no more centrally located sites but further information is awaited regarding the Booths store on Highfield Road and notwithstanding that the proposal is under the 2500 square metres floorspace threshold the applicant's agent has demonstrated that the proposal would not adversely impact on existing centres. Although further information is awaited regarding the potential cumulative impact of the application proposal coupled with the proposed foodstore on the Westgate House site. The proposal in isolation would not directly undermine the Council's strategies for the town centre. The site because it does not have a main road frontage is not well served by buses and is not surrounded by a walk in residential catchment. Its benefit is the opportunity for linked trips to the adjacent Blackpool Retail Park and Morrisons store.

The impact of the scheme on parking, highway and pedestrian safety

The industrial estate road would be used to service the retail unit and there is a traffic light controlled junction with Squires Gate Lane. It is not considered that there would be any highway safety issues associated with the use of this road/junction. Off site highway works have been agreed with your Head of Transportation who has no objection to the proposal.

The acceptability of the design

The building would be orientated to face the Blackpool Retail Park and would in effect finish off the corner of the Retail Park. The building would reflect the current design proposed by discount food retail operators with extensive areas of glazing to the western and northern elevations. There would be a continuation of the pedestrian route in front of the units on the retail park and servicing arrangements would be to the south as per the units on the retail park. Cycle parking would be provided and a lesser number of car parking spaces would be provided than is the norm (44 would be provided) given the intention is to 'share' spaces with the retail park.

Other Issues -

Amenity

Given its location there are no amenity issues associated with the proposal. The nearest houses are some 180 metres away on the northern side of Squires Gate Lane.

CONCLUSION

There is a tension between the advice in the NPPF and the policies in the Council's Local Plan which pre date the NPPF in terms of employment land. In terms of employment land the concern is the Council's overall supply and the need for this Council to rely on Fylde Borough Council to assist with our future needs. The site at 0.7 hectares is not particularly large and hence its loss would not be significantly material when assessed against the overall total employment land to be safeguarded (180 hectares). The Council's BELS study does identify that the Squires Gate Lane Industrial Estate has some shortcomings in terms of the age and appearance of the units, which appears to be a contributory factor to the low levels of occupancy on the estate. The intention as part of the Local Plan and now as part of the Core Strategy is to see the industrial estate improved/redeveloped to provide modern business/industrial facilities (Policies DE2 and CS24). There are two issues here - would the loss of this land prejudice that overall objective (it would involve the loss of 0.7 hectares of this large site) and would it set a precedent for the loss of other parts of this estate to other non business/industrial uses. The site is relatively self contained, it has a frontage to the Blackpool Retail Park to the west and north and is to the west of the estate road. These circumstances would suggest that its loss would not

prejudice the overall objective regarding the estate and would reduce the prospect of setting a precedent for other parts of the estate.

It is our assessment that the site is out of centre albeit that it adjoins an existing out of centre retail park. The site is not well served by buses (there is no bus stop outside the store) nor is it an ideal walking/cycling destination, in part as a result of the nature of the proposed catchment area and in part as a result of the road layout in the area. It would however offer the potential for linked trips to users of the retail park and Morrisons, the majority of whom arrive by car. The applicant has responded to the sites the Council has suggested would be sequentially preferable and information regarding the future of the Booths store on Highfield Road is still outstanding. The applicant has demonstrated that the proposal in isolation would not have a detrimental impact on nearby centres even though the floorspace proposed would be under the 2500 square metres threshold required for this type of assessment. However information regarding the potential cumulative impact of this site and the Westgate House site is still awaited. There is no need to demonstrate need for the proposal although the applicant is suggesting that there is a qualitative need for the store and it would address the overtrading which currently occurs at the Morrisons store on Amy Johnson Way. This is recognised in the 2013 Retail Study update but some of this overtrading will be taken up by existing commitments

The applicant is suggesting that the proposal would meet the three strands of sustainable development - **economic**, in providing jobs (84 jobs), **social**, in providing a qualitative addition to the retail offer in the catchment area and removing rundown industrial units to replace them with a modern building which would tie in with the adjacent Blackpool Retail Park and **environmental**, in offering the potential for linked trips and access by other modes of travel (albeit members will be aware of our concerns regarding access by bus, on foot and by bicycle).

As there are some matters outstanding it is recommended that that the application be deferred for the Head of Development Management to determine subject to -

- (a) the applicant's agent demonstrating that the Booths store on Highfield Road is not available for consideration, as it represents a sequentially more preferable site
- (b) the applicant's agent demonstrating that there would be no cumulative impact of this proposed store and the one on the Westgate House site on the Town Centre, District Centres and local centres at the southern end of the town .

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

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.

ADDITIONAL DOCUMENTS

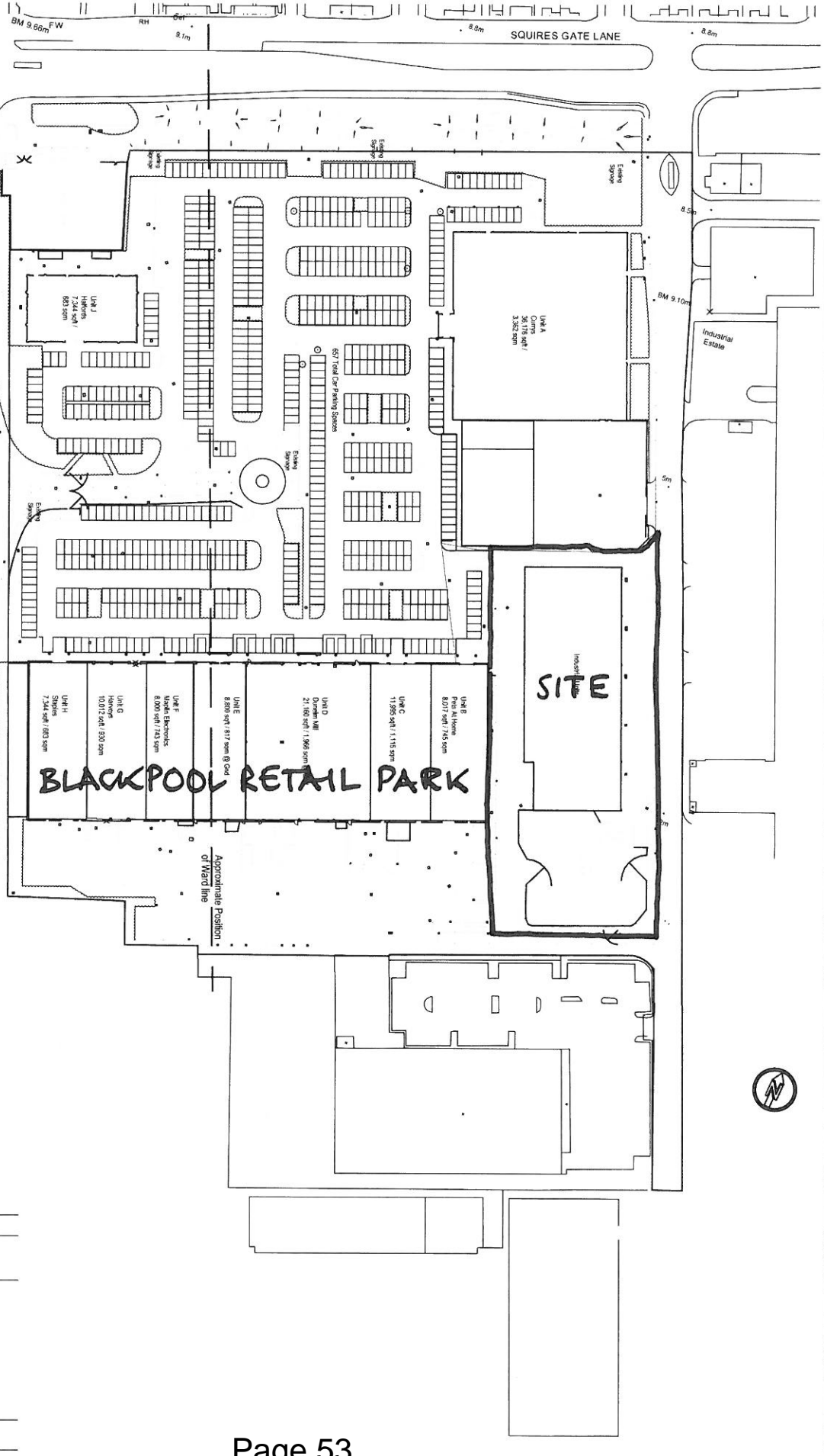
- Site Location Plan

- Representations from Hollis Vincent on behalf of the Baxter Group Ltd

Recommended Decision: Defer for delegation to the Head of Development Management

Advice Notes to Developer

Not applicable



0 12.5 7.5 50 62.5m
 S11250

AMY JOHNSON WAY
 AVROE CRESCENT
 SQUIRES GATE LANE

Industrial Estate

BM 9.86m FW
 BM 9.10m

UNB
 Pneu Air Works
 8,017 sqm / 745 sqm

UNC
 11,995 sqm / 1,115 sqm

UND
 21,850 sqm / 1,965 sqm

UNE
 8,800 sqm / 817 sqm @ Gnd

UNF
 Maple Electronics
 8,000 sqm / 743 sqm

UNG
 16,012 sqm / 830 sqm

UNH
 7,346 sqm / 683 sqm

UNJ
 7,346 sqm / 683 sqm

UNK
 36,178 sqm / 3,382 sqm

637 Total Car Parking Spaces

Eastern Service

Industrial Estate

AMY JOHNSON WAY

AVROE CRESCENT

0 12.5 7.5 50 62.5m
 S11250

Project Title	PROPOSED REFURBISHMENT BLACKPOOL RETAIL LANE SQUIRES GATE LANE BLACKPOOL		
Client	US Retail Warehouse Ltd		
Stage	PLANNING		
Scale	1:1250	Drawings Size	A3
Original No.	ASR	Checked By	PRW
		Date	02/13

Rev	Date	Description	Rev By	Checked By
1				
2				

Job/Draw No	9364M-100
Client	OWNERSHIP AND SITE BOUNDARY PLAN
Project Name	9364M-100

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Delivered by e-mail

15 July 2015

Gary Johnston
Planning and Transportation Division
Blackpool Borough Council
Municipal Buildings
Corporation Street
Blackpool
FY1 1LZ

Dear Mr Johnston,

Re: Application Reference 14/0608: Redevelopment of Units 21 to 25 Squires Gate Industrial Estate

We write on behalf of the Baxter Group Limited to object to the above planning application submitted by LS Retail Warehousing Limited. The application seeks permission to demolish the existing industrial units and erect a new foodstore (Use Class A1) of 1,740 sq. m GEA (with a sales area of 1,245 sq. m), together with associated works to the layout of the site and its access.

There are two limbs to our objection, as follows:

- First, we object because the application proposal is contrary to Policy DE2 of the adopted Blackpool Local Plan, which designates the whole of the Squires Gate Estate as being '*...an Industrial Improvement Zone, with potential for major redevelopment and enhancement as an integral expansion of the Blackpool Business Park*'; and
- Secondly, we object because the proposal by LS Retail Warehousing Limited represents a failure of the sequential test set out in Paragraph 24 of the NPPF. Our client has recently obtained planning permission from Fylde Borough Council for a similar sized foodstore on the site of the former Westgate House premises, under reference 14/0358. Although both sites are in out-of-centre locations, we consider that our client's site is more accessible by a range of modes of transport than the application site at the Squires Gate Industrial Estate and better connected to the existing Local Centres at Abbey Road and Starr Gate and to Highfield Road District Centre.

Conflict with Policy DE2 of the Blackpool Local Plan

The application site at the Squires Gate Industrial Estate forms part of an Industrial Improvement Zone, under Policy DE2 of the adopted Blackpool Local Plan. The object of this Policy is to secure a major redevelopment and enhancement of the Industrial Zone as an integral expansion of the Blackpool Business Park. Thus, the demolition of Units 21 to 25 and the redevelopment of this part of the Industrial Estate for a foodstore is clearly contrary to the land use provisions in the adopted Blackpool Local Plan. In these circumstances, Section 38(6) of the Planning and Compulsory Purchase Act requires that the application is refused, unless material considerations indicate otherwise, as confirmed by Paragraphs 2, 11, 12 and 196 of the National Planning Policy Framework (the NPPF).

Section 8 of Savills' Planning and Retail Statement purports to deal with other material considerations. Savills cross refers to the Council's Employment Land Study of June 2014 (the ELS) in seeking to argue that reoccupation of the vacant units at the Industrial Estate will be difficult to achieve in their current form. However, Savills fails to provide an accurate summary of the recommendations of the ELS in relation to the Squires Gate Industrial Estate, which are set out in Paragraphs 4.34 to 4.38 of the ELS. Indeed, Paragraph 4.35 of the ELS, which is partially quoted by Savills, goes on to state that the fact that the large units are difficult to let in their current form '*... presents a major redevelopment opportunity which can capitalise on the site's two major assets which are '...convenient access to the strategic transport networks, including Junction 4 of the M55 Motorway and its location adjacent to Blackpool Airport'.*

Paragraph 4.36 of the ELS then goes on to state that the increasing vacancy level in recent years '*...means that redevelopment is more likely to come forward in the short to medium term to secure the long term future of the site...*', as well as providing opportunities for improved linkages to the adjoining employment areas (Sycamore Trading Estate and Blackpool Business Park). Thus, the ELS anticipates (Paragraph 4.37) that the Squires Gate Industrial Estate will provide for '*...major new employment development [which] will help to strengthen and diversify the local economy...*' and that '*Improving the occupancy of existing sites will be an important element of future supply given Blackpool's shortage of development land*'.

Whilst Paragraph 4.38 of the ELS acknowledges that there are likely to be constraints in the form of demolition and remediation costs and in relation to the provision of new infrastructure, it emphasises that '*any enabling development would need to be appropriately justified...*' and help to '*...secure the future business and industrial use of the site*'. In contrast, to the requirements of the ELS, Savills' support material provides no enabling development argument in relation to the wider site, no evidence of any liaison with ING, which owns the majority of the Estate, and no financial viability appraisal whatsoever. Moreover, the ELS makes it clear that there is a reasonable prospect of the Squires Gate Estate being redeveloped for employment purposes, so that the provisions of Paragraph 22 of the NPPF do not apply to the application site.

There is no evidence to support the argument put forward in Paragraph 8.10 of Savills' Planning and Retail Statement to the effect that the redevelopment of the application site, in isolation, is not viable and no evidence to support Savills' argument (in Paragraph 8.11 of its Planning and Retail Statement) that there is no reasonable prospect of the site being redeveloped for employment purposes.

Thus, in accordance with the provisions of Section 38(6) of the Act, and Paragraphs 2, 11, 12 and 196 of the NPPF, the first reason for refusal of the application by LS Retail Warehousing Limited should be that it does not accord with the development plan, considered as a whole, and would lead to an unacceptable loss of land with strong potential for redevelopment for employment purposes.

The Sequential Test

Paragraph 24 of the NPPF, sets out the sequential test for planning applications for main town centre uses that are not in an existing centre, and not in accordance with an up to date local plan. The first preference is for sites in town centre locations, followed by edge-of-centre locations, and only where suitable sites are not available should out-of-centre sites be considered. We accept that there is no suitable and available site within or on the edge of any of the nearby local and district centres in Blackpool. However, Paragraph 24 of the NPPF, goes on to state that:

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre'.

So, the current National Policy requirement, in comparing the sequential merits of out-of-centre retail proposals, is a comparative assessment of: a) their accessibility; and b) how well connected they are to the town centre. Thus, even if the Land Securities application site was part of the Blackpool Retail Park - which it is not - then it could not be declared to be sequentially preferable to our client's site at Westgate House unless: a) it offers better accessibility by a range of means of travel than Westgate House, or b) it is better connected to the nearest town centre than Westgate House. Moreover, as set out earlier, it is clear that the application site at Squires Gate Lane Industrial Estate is simply not suitable for retail use, whereas the Westgate House site is unannotated on the Proposals Map of the adopted Fylde Borough Local Plan.

Thus, given the provisions of the penultimate sentence of Paragraph 24 of the NPPF, our client has commissioned transport consultants Turner Lowe Associates (TLA) to undertake a comparative assessment of the accessibility of the two sites. TLA's findings are set out in Appendix 1 to our letter. In short, TLA puts forward a number of reasons as to why the Westgate House site is more accessible than the application site at Squires Gate Lane Industrial Estate, as follows:

- the planning permission for a similar sized foodstore at the Westgate House site involves improvements to the bus stops close to the site and a new pedestrian facility at the nearby traffic lights at the junction of Squires Gate Lane with Lytham Road;
- the existing bus stops serving the Westgate House site are located directly outside the development site on each side of Squires Gate Lane, whereas the Squires Gate Retail Park is only served by westbound bus stops, with the east bound bus stops being some way away from the Squires Gate Retail Park;
- the Westgate House permission serves a large residential base that is within 1km of the site who are not currently within walking distance from the Morrisons store at Squires Gate Retail Park;
- in contrast, pedestrian accessibility to the Squires Gate Retail Park is so poor that pedestrians have had to make their own routes through the landscaped areas in order to gain access to the stores; and because
- the Westgate house site benefits from dedicated cycle lanes on Squires Gate Lane in each direction, whereas there are no such facilities as the Squires Gate Retail Park junction;

Finally, we would emphasise that the Westgate House site is equidistant between the Local Centres at Starr Gate and at Abbey Road, and has much easier access to Highfield Road District Centre (see plan in Appendix 2). In contrast, the Industrial Estate application site is likely to encourage more use of the out-of-centre Squires Gate Retail Park.

We conclude, therefore, that the Westgate House site is more assessable by foot, cycle and bus than the Industrial Estate site and that it has easier linkages with the existing centres at Starr Gate, Abbey Road and Highfield Road. It is clear, therefore, that the Westgate House site is sequentially preferable within the terms of Paragraph 24 of the NPPF. As a consequence of all the factors set out above, it is clear that a second reason for refusal of the application by LS Retail Warehousing Limited is failure of the sequential test set out in Paragraph 24 of the NPPF.

We shall be grateful if you can confirm receipt of this objection letter and please outline its contents to your committee members. We shall be pleased to discuss any queries that you may have in relation to this representation.

Yours sincerely,



Mike Holliss

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- **Appendix 1** - Report from Turner Lowe Associates and associated drawing showing relative walk-in catchment areas.
- **Appendix 2** - Location Plan of Nearest Local and District Centres

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Westgate Road. Lytham St Anne's
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1. Introduction

- 1.1 The proposed development on the site of Westgate House is supported by a Transportation Assessment that has been accepted by the Highway Authorities in this area.
- 1.2 The proposed development is recommended for approval by the planning and highway authorities on the basis that (in highway measures) it will:
- i. Improve the current substandard junction of Westgate Road with Squire's Gate Lane
 - ii. Improve the Bus Stops close to the site
 - iii. Provide a pedestrian facility at the nearby traffic lights at the junction of Squire's Gate Lane with Lytham Road.
- 1.3 All the above improvements would clearly benefit all highway users in the area of the development, not just customers of the proposed development
- 1.6 A planning application has been submitted to the neighbouring Blackpool authority for an Aldi foodstore on the Squire's Gate Lane Industrial Estate, around 1km to the east of the Westgate Road development site. The applicants of that scheme have objected to the proposed development on the basis that the proposed Aldi store would be better located than the Westgate Road scheme.
- 1.7 This Supplementary Note assesses this claim.in terms of highway matters.

2. Pedestrian Accessibility

- 2.1 It is usually considered that shoppers would be prepared to walk around 1 km to a proposed foodstore. Often very intricate drawings are produced measuring such distances along roads and footways. This is, however, implying that the 1 km distance has an accuracy that is not warranted. People will be willing to walk around 1km.
- 2.2 The Transportation Assessment that supports the Westgate Road scheme provided maps showing general "as the crow flies" catchment areas that would be served by the proposed development for walking and cycling trips

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- 2.3 We are pleased that the Transport Assessment that supports the Aldi application did not produce intricate diagrams, but disappointed that no catchment area diagrams were produced at all.
- 2.4 The catchment areas for both the Aldi and Westgate Road scheme would be the same diameter but centred on different locations. The attached Figure S11 shows the areas that would be considered to be within each proposed scheme on the same simple 1km radius basis.
- 2.5 As can be seen there are areas to the west that would be covered by the proposed Westgate Road scheme that would not be considered accessible on foot to either the proposed Aldi scheme or the existing Morrison's store on the adjacent Retail Park site.
- 2.6 There would be areas within the Aldi catchment area that would be considered to be outside the catchment area of the proposed Westgate Road scheme but these areas are already covered by the Morrison's store.
- 2.7 The proposed Aldi store will not provide any food retail facility that will be accessible to the walking public that could not already walk to the Morrison's Store.
- 2.8 The proposed Westgate Road development will, however, provide a modern foodstore within easy walking distance of a large area that would be outside the walking distance of the existing Morrison's store.
- 2.9 The proposed Westgate Road development will clearly be better located than the Aldi store in serving parts of the population that would not be considered to be accessible on foot to the existing facilities, and this will not change as a result of the proposed Aldi scheme.
- 2.10 AS outlined above, the proposed Westgate Road scheme will provide much needed pedestrian crossing facilities on Squires Gate Lane. These will benefit all pedestrian highway users in this area. There would be no similar benefits arising from the Aldi scheme. Indeed pedestrian access to the Retail Park is so poor that pedestrians have had to make their own routes through the Parks landscaped areas.

3. Cycle Accessibility

- 3.1 The Westgate Road scheme benefits from dedicated cycle lanes on Squire's Gate Lane in each direction, assisting cycle users on their final leg of a journey by cycle to the proposed development. There are no such facilities at the existing Retail Park junction which would be used to access the proposed Aldi site, just a very complicated and potentially dangerous junction for cyclist to negotiate.

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4. Public Transport Accessibility

- 4.1 The proposed development will upgrade the existing bus stops closest to the development site, with the above pedestrian facility at the Lytham Road traffic lights enabling bus users to cross Squire's Gate Lane in safety.
- 4.2 The existing bus stops are located directly outside the development site on each side of Squires Gate Lane.
- 4.3 The westbound bus stops for the Retail Park / Aldi site are well situated but the eastbound stops are well away from the Retail Park.
- 4.4 The Westgate Road scheme is clearly far better accessed by public transport and the improvement to the stops that will be provided as aprt of the development would benefit all bus users. This will not be the case with the Aldi scheme.

5. Other Matters.

- 5.1 The Aldi development site is continually referred to in its supporting Transportation Assessment as being within the existing Retail Park and therefore an acceptable use. It is not. It is part of the Squire's Gate Lane Industrial Estate which has been designated for employment uses not food retail uses.
- 5.2 The development claims to be sustainable and will encourage alternative modes of travel for staff and customers. The scheme then proposes 30 reserved parking spaces for staff, hardly likely to encourage alternative mode use.
- 5.3 Finally the proposed scheme proposes a link from the existing Retail Park car park onto the Industrial Estate access road. No proposals to control the use of this link are proposed. This is clearly intended to be a second access to the Retail Park car park, presumably intended to relieve congestion at busy times within the car park. There would be no benefit to general highway users arising from this link.
- 5.4 Regardless of the likely use of the link road, its use has not been assessed.

6. Conclusions

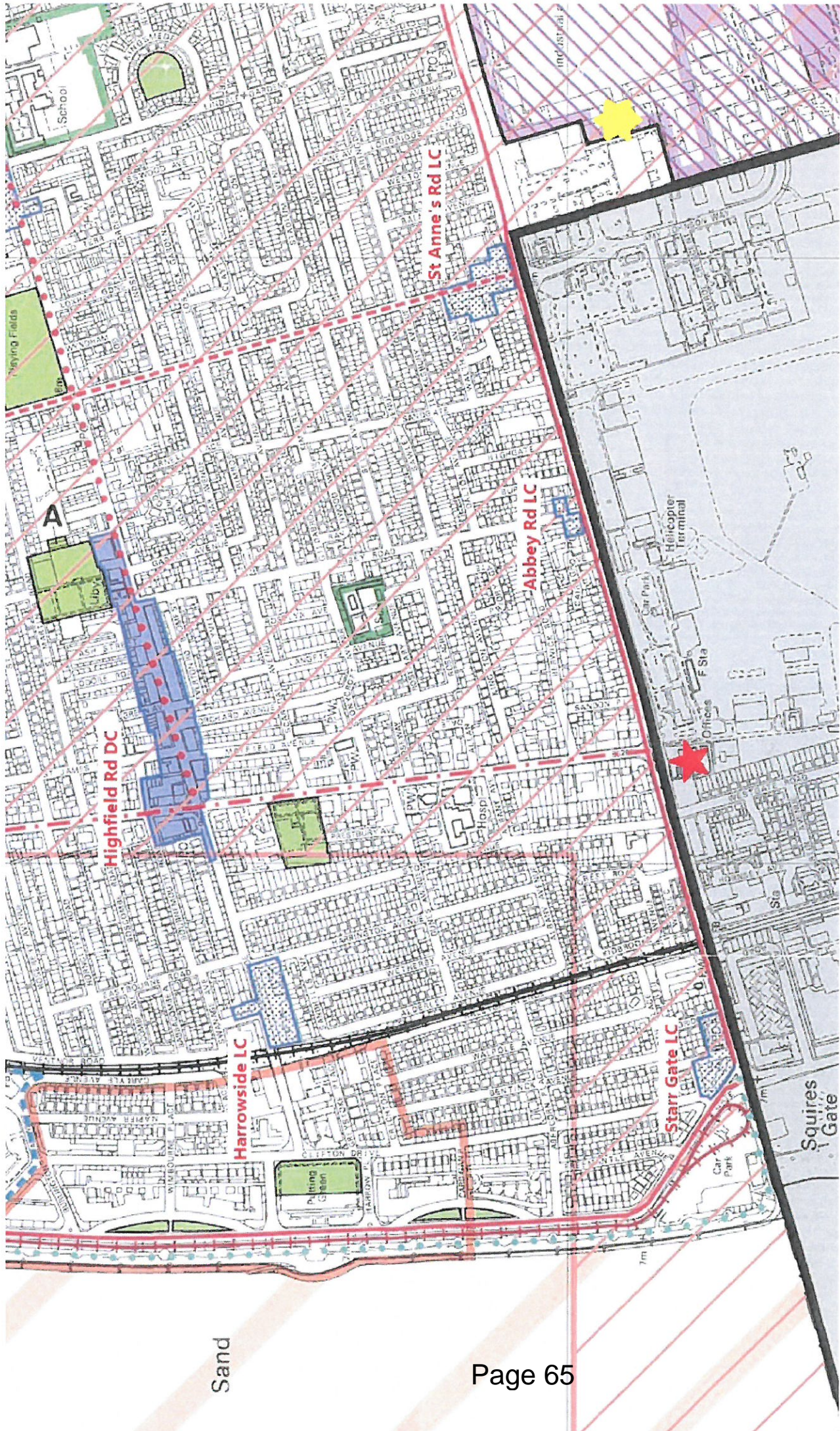
- 6.1 The Aldi site is clearly not better located than the proposed development site, its location is clearly worse. The proposed development will bring a modern foodstore within easy walking distance of areas that would be considered too distant to walk to from the existing Morrison's store or the proposed Aldi store.
- 6.2 The proposed Aldi store will not provide a facility that would serve any area that is not already served by the Morrisons store.

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- 6.3 The proposed development is better served by Public Transport than the Aldi site with improvements being provided to the closest bus stops (which are directly outside the site) as part of the development. The Aldi store would be poorly served by public transport with no scope for improvements.
- 6.4 The proposed development site has dedicated cycle lanes directly outside it. The Aldi site has no specific cycle facilities and cyclists have to negotiate a complex signal controlled junction to access the site.
- 6.5 The Aldi development proposed 30 reserved parking spaces for staff, hardly conducive to encouraging alternative modes of travel for staff.
- 6.5 The Aldi scheme proposes a second access to the Retail Park Car Park which would only encourage more car use, and a situation that has not been assessed.
- 6.6 In conclusion it is clear that not only is the proposed development better located, but there are good reasons to refuse the proposed Aldi scheme.

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Figures



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