

Blackpool Council

28 August 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, 8 September 2015 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

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 Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 4TH AUGUST 2015 (Pages 1 - 4)

To agree the minutes of the last meeting held on 4th August 2015 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 5 - 8)

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

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 9 - 14)

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, SQUIRES GATE LANE (Pages 15 - 64)

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

6 PLANNING APPLICATION 15/0224 - 170 PRESTON NEW ROAD (Pages 65 - 76)

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

7 PLANNING APPLICATION 15/0362 - KINGS CHRISTIAN CENTRE, WARLEY ROAD (Pages 77 - 90)

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 Services Adviser, Tel: (01253) 477212, 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)

I Coleman	Elmes	Maycock
Critchley	Hutton	Robertson BEM

In Attendance:

Gary Johnston, Head of Development Management
Carmel White, Chief Corporate Solicitor
Bernadette Jarvis, Senior Democratic Governance Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 7TH JULY 2015

Resolved: That the minutes of the meeting held on 7th July 2015 be signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

Resolved: To note the planning/ enforcement appeals lodged and determined.

Background papers: (1) letter from the planning inspectorate dated 18 July 2015 (2) letter from the planning inspectorate dated 26 June 2015 (3) letter from the planning inspectorate dated 13 July 2015 (4) letter from the planning inspectorate dated 9 June 2015 (5) letter from the planning inspectorate dated 16 July 2015

4 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.

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

The Committee considered application 14/0608 for the 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.

Mr Johnston, Head of Development Management presented the Committee with a brief outline of the application and the site location plan. He explained that the site was within

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 4 AUGUST 2015

a designated industrial area and also fell within the proposed Enterprise Zone which was due to come into effect in January 2016. Mr Johnston referred to the relevant sections of the current Local Plan and emerging Core Strategy and reported on how the proposed application represented a departure from the employment land policies. Mr Johnston reported on the key planning issues which included the loss of employment land and the appropriateness of the location for a retail development. Mr Johnston advised Members that the majority of the highway concerns had been addressed and that the number of car parking spaces was considered sufficient on the expectation that car parking spaces would be shared with adjacent retail park. Mr Johnston clarified that the applicant's agent had confirmed that the number of jobs expected as a result of the proposed development would be 40 which was a reduction in the number originally reported.

Mr Johnston referred to the Update Note and additional information that had been circulated to Members after the agenda had been published. He also reported on supplementary representation received from Hollis Vincent, on behalf of the Baxter Group Ltd, an objector to the proposal, following publication of the Update Note and additional information.

Mr Johnston advised Members that the recommendation to defer for delegation to the Head of Development Management was due to the fact that there remained outstanding matters which still needed to be addressed. The matters related to the applicant being able to satisfactorily demonstrate that the current Booths Store on Highfield Road did not represent a sequentially more preferable site and that there would be no cumulative impact from the proposed store and the one on the former Westgate House site on the Local and District Centres in the southern part of Blackpool. Mr Johnston accepted that information had been submitted in relation to the cumulative impact on the Town Centre.

Mr Pinkus spoke in objection to the application.

Mr Sobic, the applicant's agent and Mr Isherwood from Aldi spoke in support of the application.

Responding to questions from the Committee, Mr Johnston clarified that the application included a plan to open up an additional access route into the retail park which was expected to ease the pressure on the junctions with Squires Gate Lane and Amy Johnson Way and that this had contributed in part to the Head of Transportation having no objection to the application.

During initial consideration of the application the Members agreed that more information was needed on the outstanding matters prior to a decision being taken on the application.

Resolved: That the application be deferred to the next meeting on 8th September 2015 to enable further information to be received relating to the sequential test, in particular in relation to the Booths store on Highfield Road and the cumulative impact on the Local and District centres in the Southern part of Blackpool.

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

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 4 AUGUST 2015

Chairman

(The meeting ended 6.40 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Governance Adviser
Tel: (01253) 477164
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Report to:	Planning Committee
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting	8 th September 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 To provide the Committee with a summary of planning enforcement appeals for 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:

None, the report is for information only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Planning/Enforcement Appeals lodged

5.2 Land bounded by Fishers Lane, Common Edge Road and Ecclesgate Road (14/0723)

An appeal has been submitted by Newfield Construction against the Council's refusal of planning permission for the erection of one pair of semi-detached houses and six detached dwellinghouses with associated garages, car parking, landscaping, boundary treatment and vehicular access from Common Edge Road.

5.3 Does the information submitted include any exempt information? No

5.4 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	8 th September 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 July 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 noting only.

4.0 Council Priority:

4.1 Not applicable

5.0 Background Information

5.1 Cases

New cases

In total, 82 new cases were registered for investigation, compared to 81 received in July 2014.

Resolved cases

In July 2015, nine cases were resolved by negotiation without recourse to formal action, compared with four in July 2014.

Closed cases

In total, 38 cases were closed during the month (16 in July 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.

5.2 Formal enforcement notices / s215 notices / BCNs

- One enforcement notice authorised in July 2015 (none in July 2014);
- Three s215 notices authorised in July 2015 (none in July 2014);
- No Breach of Condition notices authorised in July 2015 (none in July 2014);

relating to those cases set out in the table below:

- No enforcement notices served in July 2015 (two in July 2014);
- One s215 notice served in July 2015 (four in July 2014);
- No Breach of Condition notices served in July 2015 (none in July 2014);
- One Community Protection Notice served in July 2015.

Enforcement notices / S215 notices authorised in July 2015

Ref	Address	Case	Dates
15/8152	Unit 14, Cocker Street Industrial Estate	Enforcement Notice - Unauthorised material change of use of the land affected to use for residential purposes and for the purpose of dog breeding	Authorised 15/07/2015
15/8404	351 North Drive	S215 Notice - Poor condition of property	Authorised 21/07/2015
15/8159	30 St. Chads Road	S215 Notice - Poor condition of property	Authorised 24/07/2015
15/8071	42 Exchange Street	S215 Notice - Poor condition of property	Authorised 31/07/2015

Enforcement notices / S215 / Community Protection Notices served in July 2015

Ref	Address	Case	Dates
14/8573	3 Dorchester Road	S215 Notice - Poor condition of property	Compliance due 24/11/2015 unless an appeal is made to the Magistrates Court by 24/08/2015
15/8316	Land adjacent to 39 School Road	Community Protection Notice	<ul style="list-style-type: none"> • Not to enter Land at 39 School Road; • Cease all commercial activities; • The above is with immediate effect. • Erect agreed fencing (buffer adjacent to 39 School Road); • Remove all materials being stored (including safe removal of asbestos); • Install gate (as per planning permission 14/0892); • Complete fencing to front (as per planning permission 14/0892); <p>Compliance with the above by 20/07/2015</p>

			<ul style="list-style-type: none"> • Undertake desk study to investigate and produce an assessment of the risk of the potential for on-site contamination; • Submit details for foul and surface water drainage arrangements for the site; • Submit details of the finished levels for the development)and any alterations to existing land levels); <p>Compliance with the above by 10/08/2015</p>
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5.3 Does the information submitted include any exempt information? No

None

5.4 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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COMMITTEE DATE: 08/09/2015

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: Refuse

CASE OFFICER

Gary Johnston

SUMMARY OF RECOMMENDATION

This application is for an extension to an out of centre retail park to provide a food retail unit and involves the loss of 0.7 hectares of employment land. The site has two boundaries with the retail park and contains vacant/older industrial units and is separated from the larger former aircraft manufacture building by a road. The Council has a shortage of industrial land moving forward but the National Planning Policy Framework guards against the long term protection of employment land where there is no reasonable prospect of the land being used for that purpose. The units have been occupied in the past but their condition means that they are not sought after. The application site falls within the proposed Enterprise Zone and hence the site could come forward for development in the future.

Paragraph 24 of the National Planning Policy Framework requires the Local Planning Authority to apply a sequential test to this proposal. The hierarchy is town centre first (town centre equates to a city centre, town centre, district centre or local centre) then edge of centre locations and then if neither of these is available out of centre with preference given to accessible sites that are well connected to the town centre. The application site is out of centre and is not well connected to the town centre. In addition there is a sequentially preferable site which is edge of centre, is surrounded by a large residential catchment and is well connected to the town centre (the Booths site on Highfield Road). It is larger than the application site (1.056 hectares compared to 0.7 hectares) and contains a building which is larger than the application building. The existence of this sequentially preferable site is a key consideration in terms of the determination of this application.

The proposed food store would not in itself require an impact assessment. However, if permission was granted and this site were developed and the Westgate House site, further to the west on Squires Gate Lane were developed as a food store then the two stores would exceed the 2500 square metres threshold. The applicant's agent has confirmed that the proposals would not impact on the district and local centres at the southern end of the town, although they may make it more difficult to secure a food retail use on the sequentially more preferable Booths site.

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 1762 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.

Members will recall that the application was deferred at the last meeting of the Council's Planning Committee to enable the applicant's agent to submit additional information in respect of:

- (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 .

Additional information has been received from the applicant's agent and from Aldi, the prospective occupier of the unit. These submissions are appended to the Committee report. In addition representations have been received from Steven Abbott Associates on behalf of Booths who have a vacant supermarket on Highfield Road and these comments are appended to the Committee report.

SITE DESCRIPTION

This application relates to a site of some 0.7 hectares in an area which is currently occupied by some 2000 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 1740 sq metres (gross) with a net retail floor area of 1255 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 40 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 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.

Head of Enterprise and Investment: Has concerns about granting planning permission for retail development in advance of the Enterprise Zone being formally launched

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 comment has been received from Robert Pinkus on behalf of Booths clarifying that the foodstore in Highfield Road is available for disposal as a new store in Heyhouses Lane St Annes will be opened. The net ground floor area is 2119 square metres and there is a first floor of some 512 square metres. The overall site area is 1.056 hectares.

A letter of objection has been received from Steven Abbott Associates on behalf of Booths who have a vacant supermarket on Highfield Road (this is appended to the Committee report).

Letters of objection have 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) and these are dated 15 July 2015 and 31 July 2015. The former was appended to the Planning Committee report for the August meeting and the latter was appended to the update note. In summary the key points raised are –

- In their view the application is contrary to the employment/industrial land policies of the Blackpool Local Plan and in their view there are not material considerations to outweigh this conflict
- In their view the site of the former Westgate House further to the west on Squires Gate Lane is a sequentially more preferable site given its better relationship to its residential catchment and its accessibility by various modes of travel
- A highway objection on the basis that the applicant's agent has not demonstrated that the proposal would not have an adverse impact on traffic on Squires Gate Lane and given the location of the application site it is not accessible by various modes of travel and is likely to further encourage use by the private motor car

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 23 states that planning policies should recognise the importance of town centres and define a network and hierarchy of centres that is resilient to future changes.

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 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

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 (NPPG)

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. The relevant paragraphs of the Planning Practice Guidance are in the section 'ensuring the vitality of town centres' - 001, 002, 008 and 010.

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 BH16 Local shopping facilities outside existing district and local centres will only be permitted where there is a need and the scale is appropriate to the walk in catchment.

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 on 16th June 2014 and by full 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 11th and 15th 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 2825 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. Furthermore 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 the 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 2% of the future need if this is combined with the TVR site (0.86 hectares) this increases to 5% 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 paragraphs 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 across the Fylde Coast between 2013 and 2030. It does however retain the need for a sequential test to be applied with the hierarchy being town centre first (town centre equates to city centre, town centre, district centre and local centre) 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 primarily be based only on the sequential test coupled with the issue of the loss of this allocated industrial land which is dealt with above.

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 bus stops being in St Annes Road so there is no bus service that would alight outside the proposed store. Indeed in terms of walking distance the nearest bus 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 - which is a school bus service).

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 or the pedestrian walkway in front of the units to the retail park the application site could hardly be described as well connected to the Local Centre. The officers' view is that 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 the 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 1762 square 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 been asked to comment on the sequentially preferable Booths site on Highfield Road (which is scheduled to close this month) 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 on both Highfield Road (services 10, 15 and 16) and Common Edge Road (services 5 and 17) and a large residential catchment area within walking distance. Indeed comparing the application site and the Booths site in terms of a 400 metre walking distance there would only be residential properties between Squires Gate Lane and Faringdon Avenue within this zone whereas the Booths site has residential properties to the north, south east and west.

The letter from Robert Pinkus confirms that the Booths site is available and that the floorspace would accommodate a food store of the size proposed on the application site and the Booths site would accommodate the site area of the application site. The site is undoubtedly sequentially preferable given the comments made above and its occupation or redevelopment for food retail purposes would serve the south eastern part of the town which is scheduled to expand by some 650 houses through the development of sites on Moss House Road and Midgeland Road. Indeed if the Booths site were reused or redeveloped and there is a foodstore on the Westgate House site there would be three stores (including Morrisons) eastern, central and western serving the southern part of the town. The re-use of the Booths site is therefore important in serving the local community and sustaining the adjacent local centre.

The applicant's agent maintains that the Booths site is not sequentially preferable but for the reasons outlined above the officers disagree. The Booths site at its nearest point is some 50 metres from the Local Centre and the nearest part of the store is 60 metres from the Local Centre. From the Booths store entrance to the Local Centre the distance is 160 metres. The applicant's agent is suggesting that notwithstanding they do not consider the Booths site to be sequentially preferable it is not suitable for the Aldi operation. They are suggesting that the existing building is not suitable for Aldi and rely on case law (Tesco v Dundee City Council) and an appeal decision (Rushden Lakes, Northampton) where the issue of 'suitable' is debated and the suggestion is that it means suitable for the commercial requirements of the developer in question. In this case the applicant is LS Retail Warehousing

although the suggested occupier is Aldi. Suitable is tempered by the requirement to demonstrate flexibility on issues of format and scale. Further guidance is given in the NPPG on this matter - ***is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*** In this case the applicant's agent and Aldi are arguing that the Booths store is not of a format similar to the Aldi model. It is acknowledged that because of the construction of the Booths store there are columns within the sales area which are not found in Aldi stores. It is however not felt that these are a serious impediment to the operation of the sales area and working around them would demonstrate the flexibility required by paragraph 24 of the NPPF and the NPPG. Similarly there are suggestions that other elements - warehousing/deliveries/trolley bay would not be to their standard format. This again seems to suggest an inflexible approach to the consideration of this site. Food retail stores do change hands and operators have to work with the shell of the building or consider extension(s), changes or redevelopment. In this case the site is larger than the application site Members are considering and the building is larger so it is not the case that the applicant is being asked to shrink the operation. Indeed Members may recall that part of the Booths site had a planning permission for a health centre (06/0779 refers) which meant the store would have approximately 120 car parking spaces (currently there are 197). Given Aldi usually like a site of around 0.7 hectare and 110 spaces there would be scope for additional retail or community/health use on this 1.056 hectare site. Aldi are also suggesting that the Booths site is too close to the Waterloo Road and Oxford Square stores and would draw trade from these catchments ie. have an adverse impact on the trading of these stores. It is considered that local circumstances come into play with regards to this issue. Yeadon Way because of its elevated nature is a barrier to north south movements in the town with bridges at Midgeland Road, Hawes Side Lane and St Annes Road. Yeadon Way segregates the southern part of Blackpool from the central part and hence it is felt that there is already a physical segregation to catchments. Officers believe that the Booths site is sequentially preferable and is suitable and hence the application is contrary to paragraphs 24 and 27 of the National Planning Policy Framework, contrary to the National Planning Practice Guidance and contrary to Policies BH11, BH12 and BH16 of the Blackpool Local Plan and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy (proposed submission)

A central plank of the applicant's case is that the application site will serve the catchment outlined above, 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 (and the Booths site) 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.

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 three 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.

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 the Booths site on Highfield Road is sequentially preferable and is available. 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 the 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. There is a sequentially preferable site - the Booths site which is available. 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 and has suggested that there would be no cumulative impact with the Westgate House proposal. 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 (40 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 officers' concerns regarding access by bus, on foot and by bicycle). However paragraph 24 requires the application of the sequential test for this type of development and it is considered that there is a sequentially preferable site that is available and suitable (the Booths site on Highfield Road)

and hence the application is recommended for refusal as being contrary to paragraphs 24 and 27 of the National Planning Policy Framework, contrary to the National Planning Practice Guidance and contrary to Policies BH11, BH12 and BH16 of the Blackpool Local Plan and Policy CS4 of the Blackpool Local Plan Part 1:Core Strategy (proposed submission)

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

- **Location Plan**
- **Letter from Savills**
- **Letter from Aldi**
- **Representations from Steven Abbott Associates on behalf of Booths**

Recommended Decision: Refuse

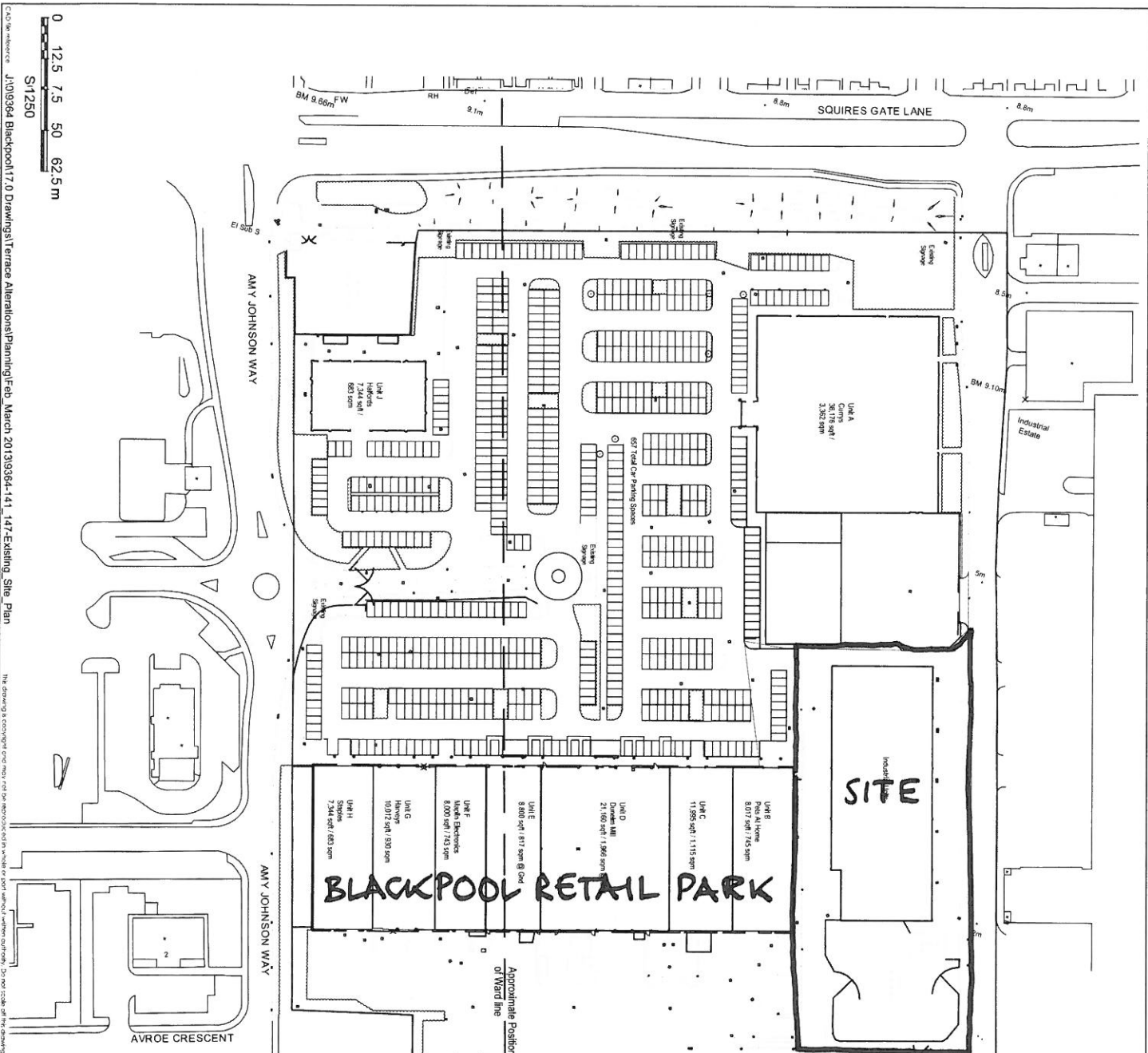
Reasons for Refusal

1. The application is contrary to paragraphs 24 and 27 of the National Planning Policy Framework, contrary to the National Planning Practice Guidance and contrary to Policies BH11, BH12 and BH16 of the Blackpool Local Plan and Policy CS4 of the Blackpool Local Plan Part 1:Core Strategy (proposed submission) in that there is a sequentially preferable site (the Booths site on Highfield Road which is adjacent the Highfield Road/Common Edge Road Local Centre) which is considered to be available and suitable for the proposed development

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 paragraphs 24 and 27 of the National Planning Policy Framework, the National Planning Practice Guidance and Policies BH11, BH12 and BH16 of the Blackpool Local Plan and Policy CS4 of the Blackpool Local Plan Part 1:Core Strategy (proposed submission) which justify refusal

Advice Notes to Developer
Not applicable



Project Title	PROPOSED REFURBISHMENT BLACKPOOL RETAIL LANE SQUIRES GATE LANE BLACKPOOL		
Client	LS Retail Warehouse Ltd		
Scale	PLANNING	Drawing Size	A3
Drawn By	ASR	Checked By	PRW
Date	02/13		
Project No.	9364M-100		
Client Name	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Address	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Contact	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Reference	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Email	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Phone	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Fax	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Website	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		
Client Logo	THE HARRIS PARTNERSHIP WAREHOUSE 2700 SQUIRES GATE LANE BLACKPOOL L. 01924 291 800 F. 01924 290 073		



REDACTED - INTERNAL PARK

14 August 2015
L 150814 SAV BBC Response for Committee



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Dear Gary

**THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR THE DEMOLITION OF EXISTING COMMERCIAL FLOORSPACE AND ERECTION
OF A NEW RETAIL UNIT (CLASS A1) AND ASSOCIATED PHYSICAL WORKS TO THE LAYOUT OF THE
SITE AND ACCESS
LAND ADJACENT TO BLACKPOOL RETAIL PARK, SQUIRES GATE LANE, BLACKPOOL, FY4 2RP
LS RETAIL WAREHOUSING LIMITED
APPLICATION REFERENCE: 14/0608**

Introduction

Many thanks for your time spent discussing the above application at the meeting with Phil Isherwood of Aldi and Matthew Sobic of this office on 10 August 2015.

The meeting followed the recent Planning Committee on 4 August, where Committee Members deferred the application to Committee on 8 September. The Members deferred the application to enable you to address two final points of clarification in order to recommend that the application is approved. The points of clarification are set out in your correspondence, dated 7 August, and require the applicant to demonstrate that:

1. The cumulative impact of the extant planning permission for a foodstore at Westgate House (Ref: 14/0358) and the proposed development on defined centres would not be 'significantly adverse'; and
2. The Booth's store on Highfield Road is not available, suitable and viable to accommodate the proposed development.

This correspondence provides a response to outstanding points listed above and demonstrates that it is appropriate for officers to recommend that the application be 'approved' by Members.

Outstanding Issues

1. Cumulative Impact

As set out in our letter of 30 July, there is no locally set threshold for an assessment of impact and the threshold established in the NPPF is 2,500 sq. m. The proposed development measures just 1,740 sq. m (GEA) which equates to less than 70% of the minimum threshold.

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Accordingly, the previous Committee Report acknowledges that there is no requirement to undertake a formal assessment of impact.

We discussed at the meeting that the threshold only applies to an individual proposal. It does not apply to a combination of proposals. There is no requirement in policy to consider the impact of two distinct proposals, where the combined floor area of two or more proposals is over the threshold of 2,500 sq. m. It follows that the combination of the application proposal and the extant planning permission for a foodstore at Westgate House (Ref: 14/0358) does not trigger the formal requirement for an assessment of the cumulative impact of both proposals.

As impact is not a policy matter that is relevant to the consideration of the application, there are no grounds to object to the proposal under the terms of 'significant adverse impact' as set out at Paragraph 27 of NPPF.

In any event, we provided a cumulative impact assessment with our letter, dated 30 July, that demonstrates that no in-centre store is anticipated to close as a result of the cumulative impacts and therefore there will be no material impact on turnover or choice. Accordingly, there is no evidence that the proposal will result in any significant adverse impacts on defined retail centres. For ease of reference, a copy of the letter is enclosed at **Annex 1**.

We discussed the retail offer in the centres in the Catchment Area of the proposal and agreed that the convenience goods stores in those centres are small-scale and only fulfil a limited and top-up food shopping role serving an immediate area. They do not fulfil the main food shopping role that the proposed store at Blackpool Retail Park will fulfil. The centres and the convenience goods stores located within them are set out in Table 1 below.

Table 1 – Convenience Goods Stores in Centres in the Catchment Area or the Proposed Aldi Store

Centre	Convenience Goods Stores
Highfield Road District Centre	Tesco Express Convenience Store, 43 Highfield Road G&K Mitchell & Son Butchers, 533 Lytham Road Fresh 'n' Fruity Greengrocers, 7 Highfield Road
Abbey Road Local Centre	Abbey News, 178 Abbey Road
Acre Gate Local Centre	Newsagent, 32 Acre Gate
Common Edge Road Local Centre	Cowens Newsagent, 4 Common Edge Road Premier Stores, 17 – 19 Common Edge Road
Harrowside Local Centre	Co-op Food, 71 Harrowside
St Anne's Road Local Centre	Costcutter, 455 St Anne's Road Bargain Booze, 457 – 459 St Anne's Road
Starr Gate Local Centre	Throughgoods Newsagent, 11 Squires Gate Lane

Given the convenience goods stores in those centres are small-scale and only fulfil a limited and top-up food shopping role, we agreed that there are no existing facilities in those centres that the proposal could have a significant adverse impact on. This is consistent with the conclusion reached by Fylde Borough Council in its decision to support the Westgate House application (Ref: 14/0358).

We confirmed at the meeting that South Shore District Centre is not located within the Catchment Area of the proposal and so facilities within that Centre will not serve the same area as the proposal. Therefore, the proposal will not have a significant adverse impact on any existing stores within that Centre. In any event, we agreed that as there is an existing Aldi store adjacent to South Shore District Centre, the Aldi store proposed at Blackpool Retail Park will not have a significant adverse impact on the Centre as the area that it serves is already served by an established Aldi store. This point further supports the agreed position that South Shore District Centre is not located within the Catchment of the proposed store.

Although not a formal requirement of planning policy, the applicant has provided clear evidence to demonstrate that neither the solus impact of the proposed development nor its cumulative impact when

considered with commitments would trigger an unacceptable impact on Blackpool or any other defined centre.

2. Sequential Assessment of Booths, Highfield Road

We have previously set out in our correspondence, dated 15 May 2015 and 30 July 2015 a number of reasons as to why the Booths site is not sequentially preferable site to the application site and nor is it suitable or viable to accommodate the proposed operation by Aldi.

We discussed in detail the following two principal matters:

- a. Is the Booths site sequentially preferable to the application site?
- b. Is the site suitable and viable to accommodate the specific development proposed as part of the application?

These two matters are assessed below in order to confirm that the proposal satisfies the sequential test as required by Paragraph 27 of NPPF.

Is the Booths site a sequentially preferable location?

Annex 2: Glossary of the NPPF confirms that 'for retail purposes', edge of centre is: 'a location that is well connected and up to 300 metres of the primary shopping area'.

As acknowledged in the previous Report to Committee, both sites are well within the maximum 300m distance.

The application site is well connected to St Annes Road Local Centre. There are dedicated footpaths and signalised pedestrian crossings that link the two destinations. It follows that there are no barriers that impede the ability for shoppers to easily walk between both locations and there is clear evidence of these linked trips on site.

The detailed assessment of both sites that has been carried out by the applicant demonstrates that:

- i. Both sites are well connected to their surrounding residential areas. There are dedicated footways and pedestrian crossings between both sites and surrounding residential areas;
- ii. Both sites are well connected to public transport links. The application site and Booths store are located within 150m of existing bus stops on Squires Gate Lane and Highfield Road respectively. The bus stops provide services that connect each destination with surrounding residential areas; and
- iii. Both sites fall within the desirable walking distance of residential areas and public transport facilities. This is 400m as set out at Table 3.2 of the Institution of Highways & Transportation: Guidelines for Providing for Journeys on Foot.

Both sites are correctly defined as being 'edge of centre' pursuant to the NPPF.

The previous reference in the Report to Committee that the application site is 'out of centre' or 'on the edge of an out of centre' site are inaccurate. The proposed foodstore will function as part of the existing established retail destination at Blackpool Retail Park. The retail destination is clearly an edge of centre retail location. It follows that the Booths site is not sequentially preferable to the application site.

We discussed how the application site will enable the proposed development to benefit from established shopping and travel patterns, enabling customers to link a trip with the adjacent Morrisons store and the wider Retail Park. Being located adjacent to the Morrisons store is particularly relevant as the majority of customers will use both stores to meet their shopping requirements. This reflects the emerging shopping

patterns in the UK which show an increasing consumer preference to shop at both main grocers and discount stores to meet their requirements.

If the proposed Aldi store was to be accommodated at the Booths site it would trigger a greater number of trips and distance travelled by private vehicles as customers visit the separate sites.

In addition, we discussed that given the scale of the existing retail development at Blackpool Retail Park and the great range of retail facilities that enable linked customer trips between stores to occur, there will be a greater propensity for people to visit the Retail Park by bus, or other sustainable modes of transport, than the existing Booths store.

By creating genuine opportunities for customers to link trips with the adjoining retail facilities, the proposed development will reduce the distance travelled in private modes of transport. The proposed development is therefore a much more accessible location than the Booths site and accords with the overarching objective to deliver sustainable forms of development.

Is the Booths site available, suitable and viable to accommodate the proposed development?

For the reasons set out above, an assessment of the Booths site is not formally required as it is not sequentially preferable to the application site.

In addition, Phil Isherwood of Aldi confirmed at the meeting that the retailer has considered the Booths site and concluded that it is not a suitable or viable location for an Aldi store. A copy of a letter from Mr Isherwood providing evidence that confirms the Booths site is not suitable or viable for the retailer is appended to this letter at **Annex 2** and summarised as follows:

- i. The existing building is not suitable for an Aldi operation;
- ii. The costs involved in making the unit suitable for an Aldi operation would make the scheme unviable; and
- iii. The site is not a suitable location for food retailing. It would not generate sufficient trade to enable a viable food retailing operation. This is also evidenced by Booths decision to cease trading from the store.

The evidence from Aldi supplements the evidence in our earlier correspondence, dated 30 July 2015 (**Annex 1**). The comments in relation to the suitability and viability of a proposed Aldi store are summarised as follows:

- i. The Booths store is located at the very edge of the Catchment Area of the proposed store. Its location means it would not meet the same consumer demand as the proposed store. The proposed store is intended to serve:
 - a. the residential population around St Annes Road and Squires Gate Lane;
 - b. the holiday accommodation to the west of the site;
 - c. the overtrading at the existing Morrisons store adjacent to the application site; and
 - d. other customers visiting the wider Retail Park that reside outside the immediate catchment area of the store.
- ii. Critically a store at the Booths site would compete directly with the existing Aldi store at Waterloo Road and to a greater degree the proposed store at Oxford Road Local Centre. The store would result in the cannibalisation of the trade to those two stores and is not a commercially realistic option for the Company. Aldi confirmed that this is the case at the recent meeting.

Aldi is committed to investing in Blackpool and wants to open another store to complete its coverage in the south of the town. The Booths site does not provide a commercially realistic option given the location of its

existing and proposed stores. Planning policy and the binding authorities on its interpretation are explicit that for an alternative site to be sequentially preferable it must be realistic to accommodate the proposal.

The Booths site is not suitable or viable to accommodate the proposed development. Aldi has already considered the site as an option and dismissed it for a series of legitimate commercial reasons. Should planning permission not be granted for the proposed development, Aldi confirmed at the meeting that it cannot and will not occupy the floorspace at the Booths site and this is a material consideration for the LPA. A refusal to grant planning permission will not result in the reoccupation of the Booths unit by the proposed operator.

Summary and Conclusion

As part of this correspondence the applicant has responded to the two outstanding matters that are required to be addressed in order for you to recommend the application is approved, namely:

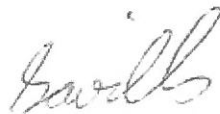
1. The cumulative impact of the commitments and the proposed development will not trigger a 'significant adverse impact' on Blackpool or any other defined centre. Impact is not a consideration that is relevant to the determination of the application;
2. The Booths site is not sequentially preferable to the application site; and
3. Even if the Booths site was deemed to be sequentially preferable, it is not suitable or viable to accommodate the proposed development. Aldi cannot operate its established business model from that premises.

We trust that the LPA is now in a position to confirm that the proposed development accords with the development plan and all other material considerations.

We would be grateful if you could confirm by return that the above enables you to recommend to Members at the Committee on 8 September 2015 that the application should be approved.

If you require any additional clarification in respect of any of the matters raised above, please do not hesitate to contact us.

Yours sincerely



Savills
Retail Planning

cc. I Bramley – Land Securities

Enc.

30 July 2015
L 150730 SAV BBC Final Policy Response



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Dear Gary

**THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR THE DEMOLITION OF EXISTING COMMERCIAL FLOORSPACE AND ERECTION
OF A NEW RETAIL UNIT (CLASS A1) AND ASSOCIATED PHYSICAL WORKS TO THE LAYOUT OF THE
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LAND ADJACENT TO BLACKPOOL RETAIL PARK, SQUIRES GATE LANE, BLACKPOOL, FY4 2RP
LS RETAIL WAREHOUSING LIMITED
APPLICATION REFERENCE: 14/0608**

Introduction

We write further to recent correspondence and discussions in respect of the above application which seeks planning permission for a new foodstore to be occupied by Aldi.

Further to our last conversation, the Report to the Planning Committee has now been published which recommends that the decision be delegated to the Head of Development Management.

The Report finds that the development is acceptable and accords with the relevant policies of the development plan subject to two, final points of clarification. These require the applicant to demonstrate that:

1. The cumulative impact of the extant planning permission for a foodstore at Westgate House (Ref: 14/0358) and the proposed development on Blackpool and other defined centres would not be 'significantly adverse'; and
2. The Booth's store on Highfield Road is not available, suitable and viable to accommodate the proposed development.

This correspondence provides a response to outstanding points listed above and demonstrates that it is appropriate for officers to recommend that the application be 'approved' by Members.

We would request that a summary of the additional evidence and the change to the formal recommendation is provided to Members via a formal written addendum in advance of the Committee meeting so it can be properly assessed.

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Outstanding Issues

1. Cumulative Impact

There is no locally set threshold for an assessment of impact and the threshold established in the NPPF is 2,500 sq. m. The proposed development measures just 1,740 sq. m (GEA) which equates to less than 70% of the minimum threshold.

The Committee Report therefore acknowledges that there is no requirement to undertake a formal assessment of impact.

In addition to the above, and as the Report to Committee sets out there is a quantitative need for 2,825 sq. m of net convenience goods retail floorspace¹. The net sales area of the proposed store is 1,125 sq. m². It follows that even taking into account the proposed development there remains a quantitative need for 1,700 sq. m of net convenience goods retail floorspace. This is sufficient to support the proposed store at Westgate House and additional floorspace should appropriate sites come forward.

As sufficient surplus expenditure capacity exists to support the committed floorspace and the proposed development, there is no requirement for unsustainable patterns of trade diversion.

Irrespective of the above, the applicant has completed an assessment to provide the Local Planning Authority ('LPA') with clear evidence that the proposal will not have an unacceptable impact. The assessment has now been updated to include the speculative development of a foodstore at Westgate House on Squires Gate Lane approved by Fylde Council and all other commitments.

The updated Statistical Tables setting out the economic assessment of the proposal are included at **Annex 1** of this letter. They are summarised below:

- **Table 1 – The turnover of the proposed Aldi store:** This is forecast to be £9.14m per annum in 2019³.
- **Table 2 – The performance of the existing stores:** Demonstrates that the out of centre convenience floorspace within Blackpool is overtrading by approximately £38.54m at 2014, and £36.36m at 2019. Within the town centre, the stores are overtrading by £2.75m at 2014 and £2.94m at 2019.
- **Table 3 – The forecast turnover of the commitments:** The principal commitments within the Catchment Area of the proposed store are the Sainsbury's⁴ at Talbot Gateway, Aldi at Oxford Square and the proposed discount foodstore at the Baxter site on Squires Gate Lane in Fylde. The cumulative turnover of the three stores is estimated to be £60.56m by 2019.
- **Table 4 – The impact of commitments:** The impacts of all commitments are assessed to provide a cumulative figure and then a summary of the effect of the diversion on the performance of the store is included in the final columns. The analysis demonstrates that all of the stores continue to trade well above or commensurate with their company average.

It is important to note that the proposed Sainsbury's store will contribute towards the overall turnover and vitality and viability of Blackpool town centre and enhances its vitality and viability.

¹ The figure is net (i.e. sales area), as set out at Table 4.2 of the Fylde Coast Retail Study 2013 Update.

² See Table 1 included at **Annex 1**.

³ Five years from the date the application was made as required by the second bullet at Paragraph 26 of NPPF.

⁴ Although Sainsbury's is now trading it is assumed to be a commitment as no survey data exists which establishes its trading patterns.

Furthermore, a benchmark turnover is not the same as a 'break even point' and stores continue to be profitable when trading below their company average.

- **Table 5 – The impact of the proposal:** The starting point for the assessment of the proposed development is the performance of existing stores after the impacts of the commitments has been assimilated. Table 5 represents a cumulative assessment of commitments and the proposed development.

The analysis demonstrates that the principal impact of the proposed development will be on other discount facilities and larger stores, the majority of which will be located outside Blackpool town centre. This accords with the established principle that 'like affects like'⁵.

Critically Table 5 demonstrates that the floorspace and stores within Blackpool town centre will continue to trade commensurate with company average level (90% of benchmark or above). The assessment therefore confirms that no in-centre store is anticipated to close as a result of the cumulative impacts and therefore there will be no material impact on turnover or choice. Accordingly, there is no evidence that the proposal will result in any significant adverse impacts on defined retail centres.

Although not a formal requirement of planning policy as acknowledged in the Report to Committee, the applicant has provided clear evidence to demonstrate:

- There is sufficient expenditure capacity to support the commitments and the proposed development so there is no requirement for unsustainable trade diversion from existing facilities; and
- Neither the solus impact of the proposed development or its cumulative impact when considered with commitments would trigger an unacceptable impact on Blackpool or any other defined centre.

2. Sequential Assessment of Booths, Highfield Road

Our letter, dated 15 May 2015 (a copy enclosed at **Annex 2**), provides a detailed assessment of the premises currently occupied by Booths on Highfield Road. It sets out a number of reasons as to why that site is not suitable or viable to accommodate the proposed operation by Aldi.

To assist the assessment of the proposed development, below we provide further evidence to in respect of the following principal matters:

- Is the Booths site sequentially preferable to the application site?
- Is the site suitable and viable to accommodate the specific development proposed as part of the application?

These two matters are assessed below.

a. Is the Booths site a sequentially preferable location?

Annex 2: Glossary of the NPPF confirms that 'for retail purposes', edge of centre is: 'a location that is well connected and up to 300 metres of the primary shopping area'.

As acknowledged in the Report to Committee, both sites are well within the maximum 300m distance.

The application site is well connected to St Annes Road Local Centre. There are dedicated footpaths and signalised pedestrian crossings that link the two destinations. It follows that there are no barriers that impede the ability for shoppers to easily walk between both locations and there is clear evidence of these linked trips on site.

⁵ See Paragraph 010 of the NPPG (Reference ID: 2b-016-20140306).

The detailed assessment of both sites that has been carried out by the applicant demonstrates that:

- i. Both sites are well connected to their surrounding residential areas. There are dedicated footways and pedestrian crossings between both sites and surrounding residential areas;
- ii. Both sites are well connected to public transport links. The application site and Booths store are located within 150m of existing bus stops on Squires Gate Lane and Highfield Road respectively. The bus stops provide services that connect each destination with surrounding residential areas;
- iii. Both sites fall within the desirable walking distance of residential areas and public transport facilities. This is 400m as set out at Table 3.2 of the Institution of Highways & Transportation: Guidelines for Providing for Journeys on Foot.

Both sites are correctly defined as being 'edge of centre' pursuant to the NPPF.

The reference in the Report to Committee that the application site is 'out of centre' or 'on the edge of an out of centre' site are inaccurate. It follows that the Booths site is not sequentially preferable to the application site.

Although both sites are accessible by non-car modes of transport, it is important to have due regard to the specific role, function and characteristics of the proposed development. In this instance significant weight must be afforded to the following:

1. The established modes of transport used for 'main food' shopping in Blackpool; and
2. The objective to reduce overtrading of the existing Morrisons store.

These are addressed below.

The majority of main food shopping trips are undertaken as dedicated trips and using private vehicles.

The data from the household survey used to inform the Council's Retail Study demonstrates that **80%** of all shoppers undertake their main food shop by private modes of transport. 12% of shoppers walk to their preferred store and only 6% travel there by bus.

The application site is accessible by public and sustainable modes but commercial realism must be applied to decision making. The evidence is clear that the majority of users will visit the store by private modes.

As set out above, the application site will enable the proposed development to benefit from established shopping and travel patterns, enabling customers to link a trip with the adjacent Morrisons store and the wider Retail Park. Being located adjacent to the Morrisons store is particularly relevant as the majority of customers will use both stores to meet their shopping requirements. This reflects the emerging shopping patterns in the UK which show an increasing consumer preference to shop at both main grocers and discount stores to meet their requirements.

If the proposed Aldi store was to be accommodated at the Booths site it would trigger a greater number of trips and distance travelled by private vehicles as customers visit the separate sites.

By creating genuine opportunities for customers to link trips with the adjoining retail facilities, the proposed development will reduce the distance travelled in private modes of transport. The proposed development therefore accords with the overarching objective to deliver sustainable forms of development.

b. Is the Booths site available, suitable and viable to accommodate the proposed development?

For the reasons set out above, an assessment of the Booths site is not formally required as it is not sequentially preferable to the application site.

A detailed assessment of the site has however been undertaken in the interests of completeness. This is set out in the correspondence at **Annex 2**. That assessment is supplemented with additional information below. The premises remains operational but we understand from the letting agent that Booths will vacate the premises in September so it is considered 'available'. The agent has confirmed that there has already been expressions of interest for the unit but no formal offers have been made.

The Council will be aware that the sequential test should be proportionate and appropriate for the given proposal⁶, and applied according to the market requirements that a proposal is intended to serve.

As set out in the **Annex 2**, the Booths store is located at the very edge of the Catchment Area of the proposed store. Its location means it would not meet the same consumer demand as the proposed store. The proposed store is intended to serve:

- i. the residential population around St Annes Road and Squires Gate Lane;
- ii. the holiday accommodation to the west of the site;
- iii. the overtrading at the existing Morrisons store adjacent to the application site; and
- iv. other customers visiting the wider Retail Park that reside outside the immediate catchment area of the store.

Critically a store at the Booths site would compete directly with the existing Aldi store at Waterloo Road and to a greater degree the proposed store at Oxford Road Local Centre. The store would result in the cannibalisation of the trade to those two stores and is not a commercially realistic option for the Company.

The cannibalisation of trade is compounded by the anticipated lower turnover of a store trading from the Booths site. The existing operator is closing the store as it does not meet its financial expectations. This is confirmed by the data from the Retail Study demonstrates that the store is trading below its anticipated benchmark level.

Aldi is committed to investing in Blackpool and wants to open another store to complete its coverage in the south of the town. The Booths site does not provide a commercially realistic option given the location of its existing and proposed stores. Planning policy and the binding authorities on its interpretation are explicit that for an alternative site to be sequentially preferable it must be realistic to accommodate the proposal.

The Booths site is not suitable or viable to accommodate the proposed development. Aldi has already considered the site as an option and dismissed it for a series of legitimate commercial reasons. Should planning permission not be granted for the proposed development, Aldi cannot and will not occupy the floorspace at the Booths site and this is a material consideration for the LPA. A refusal to grant planning permission will not result in the reoccupation of the Booths unit by the proposed operator.

Summary and Conclusion

As part of this correspondence the applicant has responded to the two outstanding matters identified in the Report to Committee and demonstrated that:

1. The cumulative impact of the commitments and the proposed development will not trigger a 'significant adverse impact' on Blackpool or any other defined centre;
2. The Booths site is not sequentially preferable to the application site; and
3. Even if the Booths site was deemed to be sequentially preferable, it is not suitable or viable to accommodate the proposed development. Aldi cannot operate its established business model from that premises.

⁶ The first sub-paragraph under Paragraph 010 of the section Ensuring the vitality of town centres in the National Planning Practice Guidance (The Guidance) and titled *How should the sequential test be used in decision-taking?* All paragraph references in the Statement in relation to The Guidance are from the section Ensuring the vitality of town centres, unless stated otherwise.

We trust that the LPA is now in a position to confirm that the proposed development accords with the development plan and all other material considerations.

In light of the additional evidence that has been provided, we would request that officers provide a formal written update to Members in advance of the Committee meeting confirming that:

1. The outstanding matters have now been fully addressed by the applicant and the development accords with the development plan and all other material considerations; and
2. Update the recommendation to from 'Delegate to Head of Development Management' to 'Approve subject to conditions'.

We would be grateful if you could confirm by return that your recommendation has been amended to reflect the evidence provided to the Council.

If you require any additional clarification in respect of any of the matters raised above, please do not hesitate to contact us. .

Yours sincerely

A handwritten signature in dark ink, appearing to read "Savills", written in a cursive style.

Savills
Retail Planning

cc. I Bramley – Land Securities



ALDI STORES LIMITED (MIDDLETON)

Touchet Hall Road, Stakehill Industrial Park, Stakehill, Middleton, Manchester M24 2RP

Telephone: 0161 655 3900

Facsimile: 0161 654 7670

Gary Johnston
Planning Department
Blackpool Council
PO Box 17
Municipal Buildings
Corporation Street
Blackpool
FY1 1LZ

13th August 2015

Dear Gary

Proposed Aldi Store at Blackpool Retail Park Appraisal of Booths Unit on Highfield Road

I write following our meeting earlier this week regarding the proposed Aldi store at Blackpool Retail Park and issues concerning the Sequential Test. As discussed at the meeting, Aldi has already considered the Highfield road site and concluded that it was not suitable. I have set out below the reasons for this conclusion and make reference to the enclosed plan prepared by the Harris Partnership which shows Aldi's store layout overlaid onto the Booths footprint.

The current Booths store has large existing columns (1) that sit within the produce, cereal and confectionary aisle. Aldi sell a limited numbers of lines, from a limited amount of space, the stores are designed to be as compact as possible to reduce any wasted time for staff and customers on the shop floor, as well as not over facing any products. The addition of columns throughout the store would break up merchandising runs and impact on the presentation of product. The store could be widened to accommodate this but there are also existing columns that already protrude into the store along the spine wall (2) approximately 300-400mm. Engulfing the columns in the aisles would eradicate the problems with the merchandising but would lead to an unworkable warehouse configuration (see supplementary drawing 1706 MIDW 005 highlighting this).

The current available warehouse width is narrower than the standard 7m (3) and therefore already requires a non-standard amenity block layout, this further required widening of the store to accommodate the columns and subsequent narrowing of the warehouse will result in a non-workable amenity layout.

In addition to this, there are also columns (340x470mm) set back 1250mm from the shop front (4). These would have a significant detrimental effect on the circulation around the tills and packing shelf and render sections of the packing shelf usable, as there would not be enough space to park and pack a trolley. The store would need to be lengthened by 1250mm to ensure that the same amount of circulation space in a standard store was provided, and would therefore increase the store's length to 56.25m, which is above standard and would again effect Aldi's standard merchandising layout. There are structural walls at the rear of the store that would need to be demolished in order to accommodate the lengthened store. However, some piers (5) will be required and these will sit within the fresh meat cabinets.

Also, due to the building footprint, the trolley bay would need to be located further away from the entrance than Aldi would normally like (6) and would result in a convoluted trolley collection and return.

Delivering goods on pallets straight from the Regional Distribution centre is one of the reasons that Aldi has a competitive advantage. Therefore requesting, that for one store, Aldi receive product from cages (the same as all other retailers) is unrealistic as the warehouse and the infrastructure is not set up to cater for this. A dock leveller and a loading ramp would therefore need to be instated, resulting in considerable and expensive structural works to the rear of the store (5).

The points raised above, coupled with the fact that the building is almost 20 years old and is coming towards the end of its economic life, means that the spending required to bring this unit up to date make the scheme unviable.

Furthermore, Aldi consider that the site is a poor location for food retailing generally, which is likely to be the reason the Booths store is closing. There is little else in the nearby centre to attract shoppers from beyond the centre's immediate walking catchment and Highfield Road is not a busy route, meaning that the store would not attract any significant level of pass-by trade that would be needed to support a store on this site. Accordingly, Aldi consider that this site is not suitable for a food retail operation of this size.

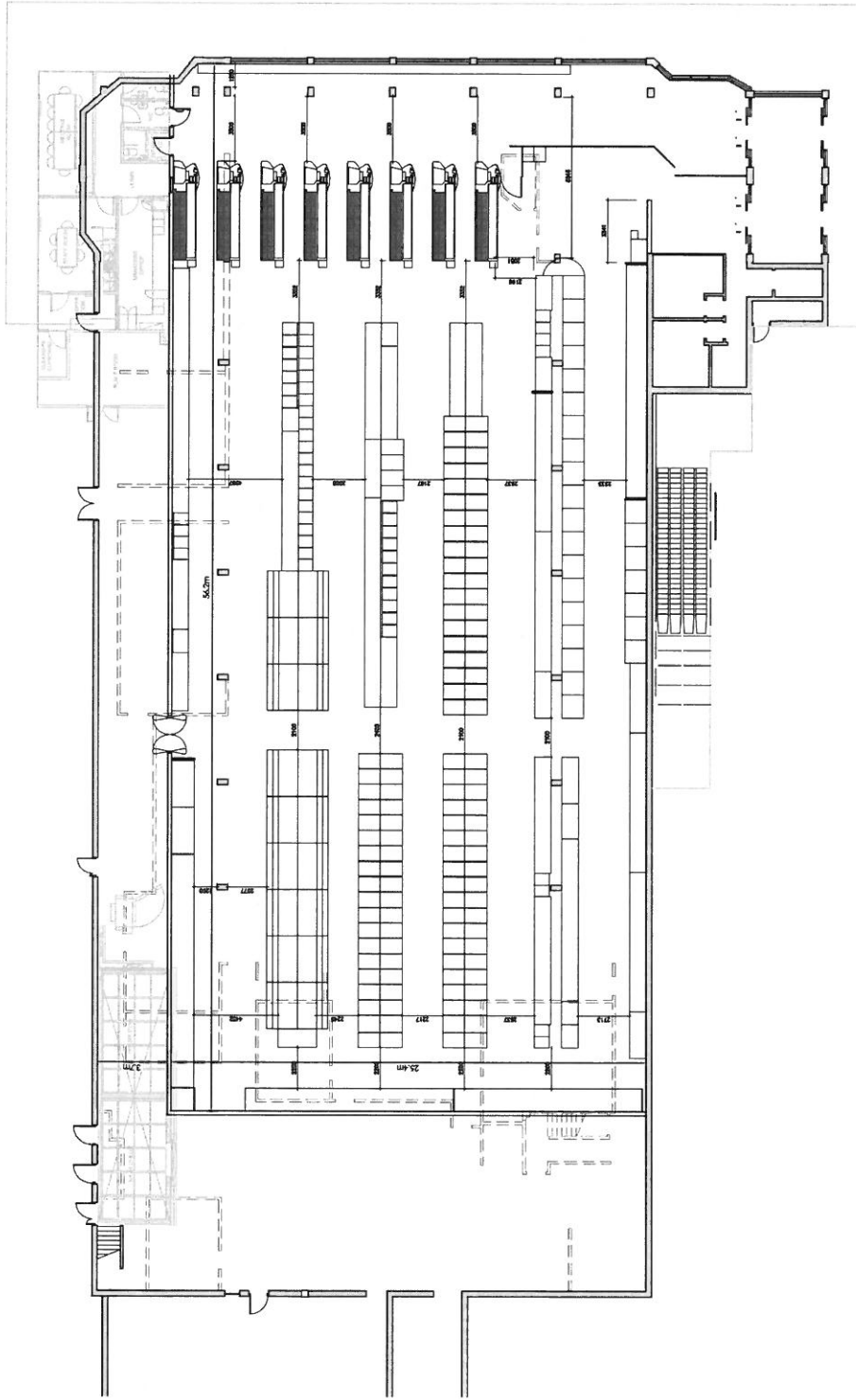
Taking all the above into consideration, Aldi would need to demolish the existing store to build a suitable unit. As Booths are selling the land and shell they have proportioned a value to this site that is well above (more than double) that of a typical Aldi land purchase price. Therefore, the site is not economically viable with Aldi incurring huge ongoing operational losses due to the high land purchase price.

I trust that the above clearly sets out the reasons Aldi has dismissed the Highfield Road site and why the site is not suitable.

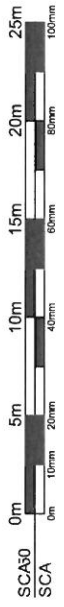
Yours sincerely,



Philip Isherwood
Property Director
Aldi Stores Ltd



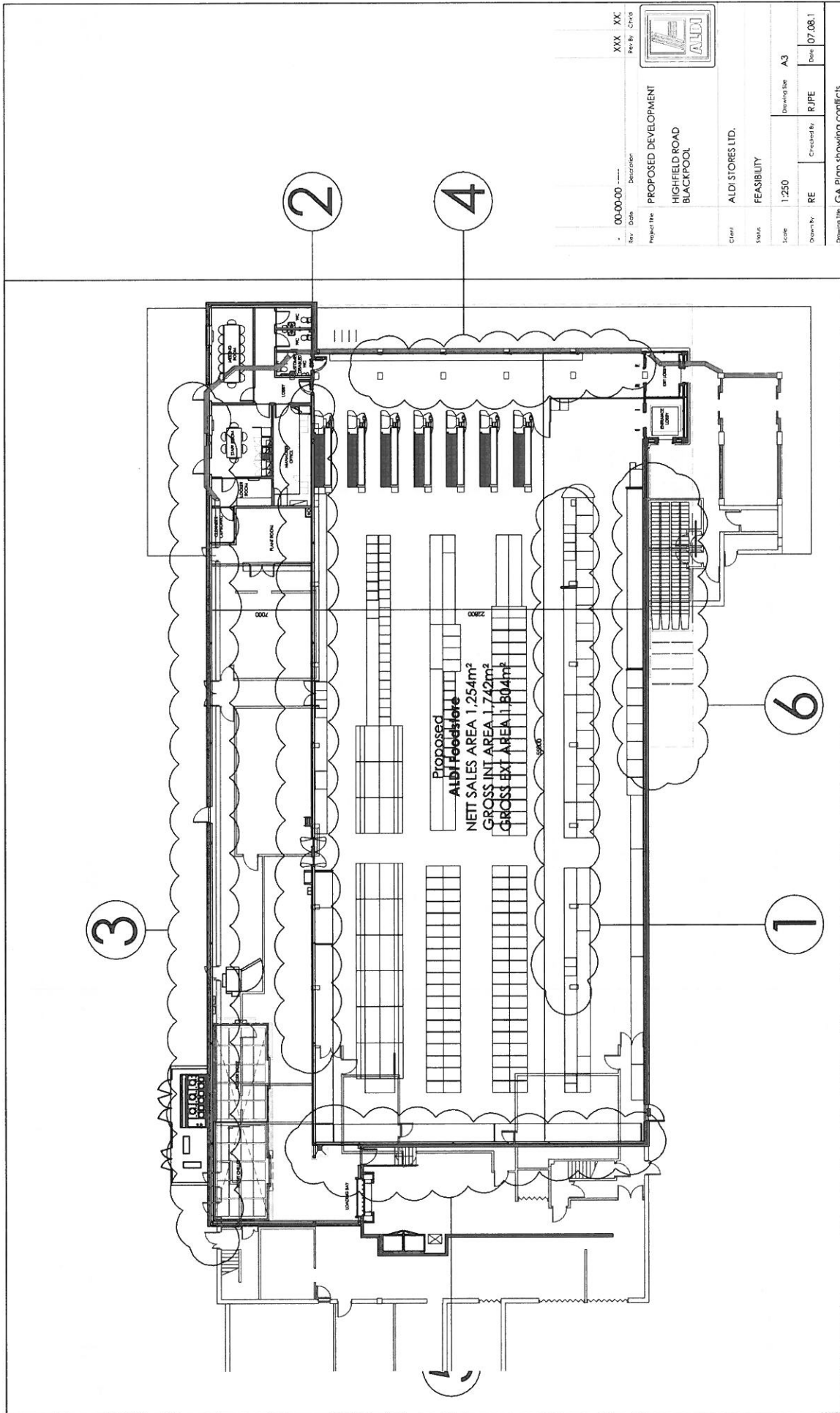
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Scale		FEASIBILITY			
Drawing Size		A3			
Drawn By		RE			
Checked By		R/PE			
Date		07.08.1			

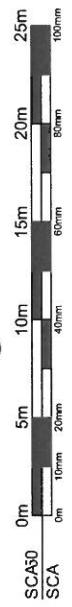
Drawing Title: GA Plan amended to suit existing columns
 Job-Draw No: 1706MIDW-005

THE HARRIS PARTNERSHIP MANCHESTER
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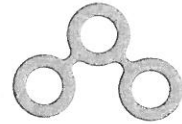


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Scale:	1:250	Drawing Size:	A3	
Quantity:	RE	Checked by:	RJPE	Date: 07.08.1
Drawing title: GA Plan showing conflicts				
App-Draw No	1706MIDW-004			
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GA plan showing conflicts



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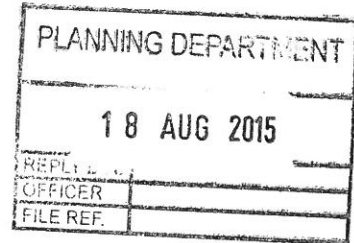


Steven Abbott Associates LLP
Chartered Town Planners

SHA/DB/2760-01/LPA

VIA EMAIL AND POST

17 August 2015



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

Dear Mr Johnston

Application No: 14/0608
Proposed Food Store
Units 21-25, Squires Gate Industrial Estate, Squires Gate Lane, Blackpool
OBJECTION on behalf of E H Booth and Co Ltd (Booths)

I refer to the above matter.

We are retained by E H Booth and Co Ltd (Booths) as their planning consultants.

Booths have a site in Highfield Road, Blackpool. The site is a material consideration for decision makers on the above application.

The reason for this is that Booths food store on the site is closing down in the next few weeks as it has become obsolete within the Company's current structure of stores. Therefore the whole of Booths 1.1 hectares (2.6 acres) site is available. The sale is being handled by Booths commercial agents and advisers – Robert Pinkus and Company LLP. I am aware that Mr Robert Pinkus has been in communication with you and addressed your committee meeting on 4 August, on Booths behalf.

The significance of Booths site being available now is because of the sequential element of the statutory development plan and national planning policy. Those policies have considerable weight as material consideration. I return to those matters later.

Partners

Steven H Abbott
BSc (Hons) MRTPI

Alastair J Skelton
BSc (Hons) DipTP MRTPI

Richard A Percy
BSc (Hons) MRTPI

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Water House, Oxford Street, Manchester M1 5AN T 0161 209 3770 F 0161 209 3771

At the outset I can endorse Mr Pinkus's advice to your Council on behalf of Booths that the whole of their Highfield Road site is available now.

Booths **OBJECT** to the above planning application for the reasons set out below:

The Development Plan

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must also be taken into account. Indeed, paragraphs 2, 11, 150, 196 and 210 within the NPPF underline the weight which must be attached to the development plan.
2. The development plan affecting the application site comprises the current Blackpool Local Plan (2001-2016) and the emerging Blackpool Local Plan (2012-2027). Both are material considerations which the Council must, by law, consider before a decision is taken on the planning application at Squires Gate.

Current Blackpool Local Plan (2001-2016)

3. Policy BH11 requires the Council to maintain and enhance a hierarchy of centres shown on the Proposals Map. The application site is not part of or on the edge of any of those centres. Booths site in Highfield Road is on the edge of such a centre – a Local Centre in Highfield Road. The Booths site has not only enhanced the prospects of that centre being sustained (as a food store site next door) but it offers a unique opportunity to enhance it in the future.
4. In using this policy the Council has, for many years (in parallel with national policies) recognised the importance of the Local Centre in playing a vital role in maintaining the quality and range of shops and other services for Blackpool residents. Such centres are a feature of Blackpool and cater primarily for top-up shopping for the local community. They are readily accessible by a variety of means of transport including walk-in shoppers. All this is stated in paragraph 6.53 in your current Local Plan.
5. Such centres have been under pressure from out of centre competition for many years as is proven by paragraph 6.54 in the current Local Plan. It states that the Plan recognises the vulnerability of local centres to competing out-of-centre provision and their importance in the social fabric of their local communities. Significantly, it goes on to state that development proposals (like the subject application) which would lead to a loss of food retailing from local centres disadvantage residents, particularly the less mobile.

6. Policy BH12 is material to the subject application also and part of it BH12 (d) is absolutely central to this objection (which we explain below).
7. Policy BH12 requires the Council to focus retail development on the hierarchy of centres described above (appropriate to their scale and catchment). Such uses are only permissible elsewhere subject to number of qualifications.

On those qualifications we comment as follows:-

- (a) Booths do not question the need for a food store in the locale given that its own store has traded from Highfield Road for many years. Booths are vacating the site as unfortunately the location and store format do not fit Booths current model. It is not the suitability of the site for a new store (of a different type). Booths have already had an offer to purchase their site by a discount food store operator, since withdrawn.
- (b) It is obvious that the application site at Squires Gate would cause material harm to the future prospects of the Local Centre next to Booths site. As a consequence the vitality and viability of that centre would be compromised. The point here is that a grant of planning permission at Squires Gate would undermine the prospects of a food store operator taking Booths site for such a development. Booths site is a 'blank canvas' for a food store of an appropriate scale to serve that part of Blackpool. It is easily of a sufficient size, has a practical shape with a good access and more than ample space for car parking, cycle parking and safe, easy going pedestrian routes. Indeed, the site has the potential for more than one Class A unit which together would catalyze the future of the Local Centre.

The application site does not offer any of those benefits. Instead, it will draw the investment away to an out of centre site on a retail park designed to meet the needs of much greater catchment and for car based shopping. As others have stated, including you, it is on the 'wrong side' of the dual carriageway to be a credible site to meet the day to day shopping needs of the local community it purports to serve.

- (c) It follows that the planning application development would undermine the Council's strategies and proposals for regenerating the Local Centre next to Booths site as set out in the adopted Local Plan (I deal with the new one below).
- (d) The planning application development is not located in accordance with the sequential test, having regard to the need for flexibility of format, design and scale. The grant of planning permission for a food store on the application site when a site on the edge of a defined local centre in the same area is available now and wholly suitable is clearly contrary to this part of the development plan. To reiterate, your Council has a

statutory obligation (as explained above) to make decisions in accordance with the development plan. We do not accept, in any respect, that Booths site is incapable of accommodating a food store of the type a discount operator would require for this area of Blackpool. A fundamental mistake being made in this case appears to be a preoccupation with Booths building rather than the merits of the site. It is the site, not the building, which has to be assessed in the context of the sequential approach. Notwithstanding that Booths have made it clear through their agent that they are entirely flexible e.g. the building could be split or leased. We cannot imagine a site easier to develop than Booths one given that it is larger than required for the application development and bearing in mind the other features described above. If the Council does not defend the site as sequentially preferable it may as well forget any attempts elsewhere as its policy would be comprised by setting a bad precedent.

- (e) The Booths site, as you have pointed out, is readily accessible by a choice of means of transport, and is well served by public transport. The application site is not but as part of a retail park is primarily aimed at car borne shoppers with different shopping requirements.
8. Paragraph 6.61 in the adopted Local Plan states that out-of-centre locations (as with the application development) will not be permitted unless it can be demonstrated that there are no more centrally located sites available, with preference for (in this context) local centres. Crucially, it states that suitable alternative sites will be applied flexibly in terms of the size and format of development and how it can be accommodated. There is thus no basis for the Council doing anything other than resisting the application development because of the availability of Booths site. To do so would be contrary to planning law and policy.
9. Policy BH14 'Local Centre's is also a material consideration which must be afforded the due weight necessary as a development plan policy. In the context of the Highfield Road Local Centre next to Booths site:-
- It provides for day-to-day convenience shopping needs and other supportive uses readily accessible by a walk in local catchment. Booths site is very important as an 'anchor' to that local centre and has enormous potential for stimulating its long term betterment. A new store on Booths site (with space for complementary uses) would be ideal to catalyze its economic, social and environmental development – wholly in line with the core principles of sustainable development set out in NPPF.
 - The Council must safeguard and enhance the role of the Local Centre in accordance with Policy BH14. In terms of the criteria below the policy we comment as follows:

- (a) The Booths site fundamentally reinforces the role of the Local Centre.
 - (b) Booths site negates the need for the expansion of shopping and other commercial uses into adjoining residential areas – it enjoys the benefit of Class A1 permission and is available for development now.
 - (c) As such the development of the Booths site would stimulate and not undermine the retail function, role or character of the Local Centre next to it. The application development would have the opposite effect by blighting Booths site. It could then sit idle pending a resolution of its future. An empty site of that scale would clearly not be in the public interest and particularly unwelcome for the local community. Booths do not wish to see that happen and are actively seeking to sell the land to a food store operator quickly.
10. With regard to Policy BH14 the content of paragraph 6.69 on the vulnerability of local centres like the affected one should be noted. It expressly notes the impact out-of-centre food stores have had in local centres in Blackpool.
11. In conclusion on the adopted Local Plan the Council has very robust reasons for refusing the application development on the basis of its retail policies alone.
12. I now turn to the status of the application site. As your committee report pointed out on 4th August the site is with an industrial and business allocation. This has two aspects – firstly, under Policy DE2 the site is part of the Industrial Improvement Zone for the Squires Gate Industrial Estate. Secondly, it is subject to the criteria based policy DE1 which expressly states that land within industrial/business estates will be retained for such uses. The Council must make a decision which takes account of those policies as the start point for decision making in legal terms. Those policies are of a strategic nature and given the location of the application site they are sensible and realistic in terms of the potential for the land from an economic development perspective. Neither policy makes any provision to release the allocated land for retail purposes. Clearly, such a release would be a departure from the Local Plan and in the (hopefully) unlikely event that the Council would ignore its own policies would have to be referred to the Secretary of State to establish if it wishes to recover the application for decision-making. Given the objections made including this one it could result ultimately in a costly and unnecessary public inquiry for all parties involved.
13. As on retail policy the grant of permission on the application site would be contrary to your Local Plan on the basis of your industrial land and business policies.

14. We note that the application site is within the Enterprise Zone (EZ) only designated in June 2015. We respectfully suggest that the Council needs to decide on the scope for development within that before releasing land on an ad hoc basis for what would be a 'non conforming' use. Clearly, the EZ was not designated to facilitate out-of-centre retail development but to stimulate, as a matter of urgency, economic growth based on sustainable employment. In spatial terms, the application site could play an important role as an articulation point between the existing inward looking, single destination Retail Park and new industrial and business areas. More particularly, it could be used to connect the two areas in a way which enables people in their places of work to walk or cycle to the retail facilities in the retail park through an attractive area. This would be mutually beneficial to both land use areas. Whilst it is early days for the EZ it would be premature to release the application site on an ad hoc, piecemeal basis and wholly unjustified now as it could compromise the EZ master plan for the reasons explained. We think this is an additional material consideration to justify resisting the application.

The 'New' Emerging Blackpool Local Plan (2012-2017)
(Core Strategy)

15. The new Local Plan (CS) is at a relatively advanced stage (post the EIP) and is therefore also worthy of weight as a material consideration.
16. In the context of the above comments on current Local Plan policies DE1 and DE2; and the newly designated EZ we note your advice to members of the Council in August 4th concerning the evidence base to the CS. We do not accept that the location of the application site and its relationship to a very old estate road system justifies its release as a 'one off' on an ad hoc basis. As we have stated above, this is not only directly contrary to the current Local Plan but is premature and at odds with the aims of the EZ. The EZ is not a license for 'anything goes' but a permissive regime to facilitate certain types of development in accordance with a fast tracked masterplan. It is about creative zoning and not piecemeal chaos.
17. With regard to policies in the CS I firstly refer you to Policy CS1. It supports growth in South Blackpool for wider housing and employment needs not out of centre retail development on land allocated for the latter. Paragraph 4.9 and the key diagram reinforce this point. Again, the Council must take account of this policy (CS1).
18. Policy CS3 - Economic Development and Employment is also important. It expressly safeguards existing industrial/business land for employment use. There is no reference to out of centre retail development being part that strategy. In addition Policy CS3 1c expressly refers to South Blackpool as a strategic priority.

19. In the context of this sphere of policy, paragraph 5.32 stresses the need to provide better quality employment sites with new sustainable employment development.
20. Figure 12 identifies the application site as being within a 'Main Employment Site'.
21. On the subject of retail policy, the CS continues with the policies set by the current Local Plan in terms of the Local Centre next to Booths site (consistent with the NPPF).
22. Under Policy CS4 3 – out of centre location proposals for new retail development (as in the case with the application development) will not be permitted where there is a more centrally located/sequentially preferable, appropriate site available for development (CS4 3a).
23. Furthermore, such proposals will not be permitted where out of centre development would cause a significant impact on a local centre (CS4 3 6) – as would be the case, for the reasons already explained.
24. As with the current Local Plan, the application development would undermine the Council's strategies and proposals for regenerating a local centre. This is, as explained above, because it would undermine the future use of Booths site for a new food store development by allowing development on an out-of-centre site close enough to compromise its future and thus the Local Centre next to Booths. Therefore, the Council must see that the proposal is contrary to Policy CS4 3 c.
25. In addition, as with the current Local Plan, the proposed development would be contrary to Policy CS4 3 d – as it is not readily accessible by public transport and other sustainable transport modes in the way Booths site most certainly is.
26. Figures 12 and 14 confirm that your Council has reiterated its identification of the Local Centre next to Booths site.
27. When the Council proceeds with its site allocations part of the emerging Local Plan it will be wholly logical to allocate Booths site for retail purposes to enhance the future of the Local Centre and surrounding community. If the opportunity is missed now to protect it, its future will be thrown into uncertainty to the detriment of that community.
28. Our conclusion on the emerging 'new' Local Plan is that firstly, the Council must take account of its policies. A grant of permission for the application development would be perverse in view of those policies. The Council can wholly justify a refusal on the basis of the CS giving it a very strong position on appeal given the weight which must be attached, in law, to the development plan.

29. We have read the various submissions made by other parties, including the applicant's agents, and cannot see any credible reason for a grant of planning permission. The publicly stated and formal position of Booths that the site is available makes a contrary argument hopeless given the readiness of the site for development and the flexibility provided by its size, shape and location. It is difficult to imagine a better opportunity for the type of store proposed by the application. Clearly, those considerations affected the discount operator who made an offer to Booths for the site

The NPF and related Guidance

30. I pointed out at the outset of this letter that the NPPF is a weighty material consideration in its own right. Whilst the development plan and EZ both give the Council very robust grounds for refusing the application development the following parts of the NPPF and Guidance add weight to the Council's justification for a refusal.
31. With regard to paragraph 21 in the NPPF (under 'Building a strong, competitive economy') Blackpool's CS is in line with what the NPPF requires in terms of a clear economic vision and strategy. The application is within an identified strategic site which is expressly aimed at the sectors envisaged in this part of the NPPF and not an out-of-centre food store.
32. In terms of paragraph 22 in the NPPF there is a very good prospect of the application site being used for employment. This is because of its location and the emerging EZ status.
33. Section 2 in the NPPF 'Ensuring the Vitality of Town Centre's' absolutely endorses the current and emerging local plans as the statutory development plans for Blackpool.
34. The start point on this key area of policy, which the Council must also take into account as a material consideration is the definition of 'Town Centre' and 'Out of Centre' in the Glossary to the NPPF. Crucially, local centres are to be treated (as previously in PPS6) as 'town centres' and protected as such. The Local Centre next to Booths is not a 'small parade of shops' and is identified as a Local Centre in both local plans. It thus must be treated as a town centre. We note that the applicant's agent recognises this status.
35. Conversely, their client's site (the application development) does not enjoy such status and expressly does not constitute a town centre with all the related negative presumptions against retail development as a consequence. The application site is by NPPF Glossary definition an 'Out of Centre' site.
36. We note your scathing criticism of the Applicant's agent's argument that their site is an edge-of-centre one (Committee Report – 4th August). We agree with you and note the

definition of 'Edge of Centre' in the NPPF glossary. It is a location which is not well connected and is more than 300 metres of the centre. Account also has to be taken of local circumstances. We respectfully suggest that arguing that the application site is an edge of centre one is 'scraping the barrel' and not credible.

37. In terms of the bullet points under paragraph 23 in the NPPF:

- Booths site is at the heart of that local community and not remote, on the wrong side of a dual carriageway next to a retail park designed for a different type of shopping (see above).
- The Local Centre next door is defined in the Local Plan and Booths site makes that resilient to future economic changes.
- There is a potential to allocate Booths site for retail as an extension to the Local Centre. Indeed, it has the potential to become a District Centre.

38. Paragraph 24 in the NPPF requires the Council to apply the sequential test to the subject application. The established policy requirements for flexibility on format and scale remain central to this policy. We have already explained why Booths site provides complete flexibility to enable the proposed development to be accommodated.

39. The application development is not in an existing centre (or even on its edge) and is not in accordance with an up-to-date Local Plan. Booths site is and is available now.

40. This is a matter of principle concerning location and context. It is obvious that failing to protect Booths site (as you are required to do) will be harmful to the Local Centre next to it for the reasons stated above.

41. Paragraph 27 in the NPPF makes it crystal clear that a refusal based on a failure to satisfy the sequential test or where the proposed development is likely to have an adverse impact on the above factors would be robust. I stress that this reason would stand in its own right.

42. The weight the Council can attach to this is strengthened by paragraph 001 (ID:26-001-20140306) in the National Planning Practice Guidance (NPPG) which states that the sequential test should be considered first as this may identify a preferable site.

43. Paragraph 002 in that part of the NPPG states that town centre policies are the 'starting point' for decision-makers on individual developments of the application type.

44. Paragraph 008 and 010 offer guidance on what the sequential test is and how it should be used in decision-making.
45. Paragraph 008 states that:- The sequential test guides main town centre uses towards town centre locations first, then to edge of centre locations (Booths site is one) and if neither town centre or edge of centre locations are available (Booths site is available), out of centre locations with preference to accessible sites which are well connected to the town centre (the application site is out-of-centre but suffers from poor accessibility for the local community and is not well connected to any town, district or local centre).
46. In terms of paragraph 010 the onus was on the applicant to demonstrate compliance with the sequential test (and failure to undertake one could constitute a refusal reason).
47. In terms of the criteria below paragraph 010P:-
- Due regard has not been shown to demonstrate flexibility;
 - Booths site has been dismissed without an objective assessment of its true potential;
 - There is a sequentially preferable site – Booths site in Highfield Road.
48. In conclusion on the NPPF and the Guidance which supports it, the Council has very robust reasons for refusing the application development.

Conclusions

49. The Council has a statutory obligation to determine the application in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations to justify overriding the Council's current and emerging Local Plans.
50. The Council must take account of the NPPF as a material consideration. The NPPF's policy presumes against the development and again, there are no credible reasons for overriding it.
51. More particularly a refusal by the Council is justified on the basis of the following policies:

Blackpool Local Plan (2001-2016):

- BH11
- BH12
- BH14
- DE1

- DE2

'New' Blackpool Local Plan (Core Strategy) (2012-2017):

- CS1
- CS3
- CS4

NPPF Paragraphs:

- 2
- 14
- 22
- 23
- 24
- 27
- 150
- 196
- 210

NPPG Paragraphs on town centres:

- 001
- 002
- 008
- 010

New Enterprise Zone (EZ):

The application is prejudicial to its purpose and in any event premature pending its master planning. The loss of the site could compromise an attractive linkage of the strategic employment areas with the retail park

In all the circumstance, we respectfully request members of the Council to REFUSE the application.

Now that you are aware that Booths site is available and immediately, we hope that you will recommend that planning permission is refused given the weight of the material considerations set out above.

We would be grateful if you could circulate this letter to members of the Council with your committee report.

We reserve our client's right to make further representations in due course.

Please do not hesitate to contact me should you require further information from Booths perspective.

Yours sincerely



Steven H Abbott

E-mail: stevena@abbott-associates.co.uk

COMMITTEE DATE: 08/09/2015

Application Reference: **15/0224**

WARD: Clifton
DATE REGISTERED: 18/05/15
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr J Kay

PROPOSAL: Erection of residential development in rear garden with associated access from Preston New Road.

LOCATION: 170 PRESTON NEW ROAD, BLACKPOOL, FY4 4HE

Summary of Recommendation: Refuse

CASE OFFICER

Ms P Greenway

SUMMARY OF RECOMMENDATION

The principle of developing the site for residential purposes has been established in the past (in 2000 and 2003) and the site is within the main urban area and in sustainable location. However, access has in the past been intended from Carson Road. The concerns with the current proposal are the intensity of the development (based on the illustrative layout), the access onto Preston New Road given the scale of the development (based on the illustrative layout), the width of the access, the impact on the amenities of adjacent residents given the position of the access road to serve the development. It is felt that proposal is therefore contrary to Policies AS1 and BH3 of the Blackpool Local Plan 2001 - 2016, Policies CS7, CS12 and CS13 of the Blackpool Local Plan - Part 1: Core Strategy and paragraphs 14 and 17 of the National Planning Policy Framework.

INTRODUCTION

This proposal is a resubmission of an outline application which was for the erection of 13 dwellings in the rear garden of 170 Preston New Road, with associated access from Carson Road following demolition of 15 and 17 Carson Road (14/0337 refers). The application was withdrawn prior to Committee as the recommendation was for refusal for the following reasons:

1. No information has been submitted to demonstrate that the development proposed would not have a detrimental impact on bats, birds or other protected species. As such, it has not been demonstrated that the scheme would not cause harm to a protected species.
2. The proposed development would result in an unsatisfactory level of residential amenity for the future occupiers of the proposed houses due to cramped accommodation in terms of internal floorspace standards, unsatisfactory refuse storage facilities and manoeuvring for refuse collection vehicles, inadequate private amenity space, and no on-site public open space sufficient to serve the residents, and would therefore result in an over-intensive development.

3. The proposed development provides insufficient and unsatisfactory car parking facilities for both proposed residents and visitors and would therefore result in on-street parking and additional congestion in the surrounding area to the detriment of pedestrian and highway safety and the residential amenities of existing and proposed residents.
4. The proposed development would have a significantly detrimental impact on the residential amenities of the surrounding residents on Carson Road and Newhouse Road by virtue of its massing and close proximity to the common boundaries, resulting in loss of privacy and an overbearing impact.
5. The proposal does not demonstrate a sufficiently wide mix of house types and sizes in order to ensure that a variety of housing needs would be accommodated as part of the development.
6. The means of access to the proposed development would be significantly detrimental to highway safety by virtue of the close proximity to the road junction of Carson Road with Sunningdale Avenue, which would be exacerbated by the higher than normal volume of through traffic, which uses Carson Road as a rat-run.

SITE DESCRIPTION

This 0.3 hectare site is currently the rear garden to a bungalow at 170 Preston New Road, a locally listed building. The site is bounded to the north by the bungalow on Preston New Road, to the west by semi-detached houses on Carson Road, to the south by terraced houses on Newhouse Road and to the east by the KFC / Pizza Hut on Cornelian Way. The area is one of fairly dense, residential development. There is a Tree Preservation Order (TPO) on eight trees within the application site, although permission has recently been given for the removal of six of these as they were diseased, subject to them being replaced (TPO permission 15/0192 refers).

DETAILS OF PROPOSAL

This application is an outline proposal for a residential development in the rear garden of 170 Preston New Road. Whereas on the previous scheme, vehicular access was proposed from Carson Road (following demolition of 15 and 17 Carson Road) the current proposal shows that access would be directly from Preston New Road via an altered existing access point for the bungalow. The present outline application is for the principle of residential development and reserves all matters for future consideration (previously layout and access were applied for). However because of the presence of a TPO on the site, an illustrative layout has been requested and submitted so that the impact on the trees can be assessed. The illustrative layout plans suggest that an "L" shaped block of properties could be accommodated in the south of the site, close to the rear of Newhouse Road properties and the eastern boundary with the KFC/Pizza Hut site.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- the principle of the proposal in terms of backland development
- the impact on protected species and TPO trees
- the impact on the locally listed building
- the impact on the amenities of neighbours
- the acceptability of the means of access proposed in terms of highway safety

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

CONSULTATIONS

Built Heritage Manager: 170 Preston New Road is a locally listed building and there are a number of trees which form an important part of its setting. I note from the previous application number 14/337 that a tree survey was undertaken. This indicated that a number of trees in the rear garden were diseased, but the survey did not include the tree at the side of the building which would have to be removed to create an access road. If you are minded to approve the application I would ask that consideration is given to reinstating some trees which will provide screening to the development and reproduce the green setting in time.

Blackpool Civic Trust: Objects - we consider that this would inappropriately add to the residential density in this area, would add significantly to the traffic (particularly causing difficulty on Preston New Road). We believe this type of building to be out of keeping with the other properties in the area.

Head of Transportation: The principal of access is acceptable however I have concerns regarding the size of development and the multitude of vehicle trips associated with this proposal. The proposal site is on the A583, Preston New Road, which is a well-trafficked, strategic route subject to a 30mph speed limit with traffic patterns and volumes being consistent for the majority of the time. The Illuminations period does see a peak in traffic movements along this corridor. The proposal aims to provide a total of 21 car parking spaces but no details provided for the actual number of individual flats. The single point of access is acceptable for an additional large domestic property within the grounds but not for one serving a block of flats. A high number of vehicle movements can be associated with 21 flats which will not be expected. Movements associated for a single dwelling equate to approximately eight a day, slightly less for flats, about four per flat. The single point of access cannot serve 84 vehicle movements per day in the format it has been presented. The access road does not have a passing place and this will result in vehicles having to reverse either within the confines of the site or onto Preston New Road leading to conflict with other road users to the detriment of highway safety and on this basis I am not prepared to support this proposal.

Head of Parks and Greens: 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 Environmental Services: 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.

Sustainability Manager: 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 notice published: 04 June 2015

Site notice displayed: 10 June 2015

Neighbours notified: 02 June 2015

Objections received from 266, 270, 272, 280, 286 Newhouse Road; 3, 10, 12, 27 Carson Road; 168, 174 Preston New Road; 55 Rosefinch Way.

Relevant objections relate to:

NATIONAL PLANNING POLICY FRAMEWORK

Of the 12 core planning principles, those that are relevant to this proposal are summarised below:

- Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings.
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land).

Part 6 - Delivering a wide choice of high quality homes.

Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a Local Planning Authority is unable to demonstrate a five year supply of housing land. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Part 7 - Requiring good design.

Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or reinforce local distinctiveness.

Part 11 Conserving and enhancing the natural environment.

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Part 12 - Conserving and enhancing the historic environment.

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the desirability of new development making a positive contribution to local character and distinctiveness.

In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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:

- LQ1 Lifting the quality of design
- LQ2 Site context

LQ3	Layout of streets & spaces
LQ6	Landscape Design & Biodiversity
LQ8	Energy & Resource Conservation
HN4	Windfall sites
HN6	Housing Mix
HN7	Density
BH1	Balanced and Healthy Community
BH3	Residential and Visitor Amenity
BH10	Open space in new housing developments
NE6	Protected Species
NE7	Sites and Features of Landscape, Nature Conservation and Environmental Value
NE10	Flood Risk
AS1	General Development Requirements
SPG11	Open Space: New Residential Development and the Funding System

EMERGING PLANNING POLICY

Blackpool Local Plan: Part 1 - Core Strategy: Proposed Submission

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16th June 2014 and by full Council on 25th June 2014. The document was published for public consultation on 4th July 2014 for a period of eight weeks. The consultation has now ended and the document has been updated and was submitted to the Planning Inspectorate on 19 December 2014 for examination in Spring 2015. 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: Proposed Submission that are most relevant to this application are:

CS1: Strategic Location of Development - to create predominantly residential neighbourhoods on the edge of the Inner Areas. The focus of the Core Strategy is on regeneration of the Town Centre and Resort Core with supporting growth at South Blackpool. It recognises the important character and appearance of remaining lands at Marton Moss and the priority to retain and enhance its distinctive character.

CS2: Housing Provision - sets out Blackpool's housing provision with '*sites and opportunities identified to deliver around 4,500 new homes to meet Blackpool's housing need between 2012 and 2027.*'

CS6: Green Infrastructure - protect and enhance the quality, accessibility and functionality of green infrastructure.

CS7: Quality of Design - ensure amenities of nearby residents are not adversely affected by new development.

CS8: Heritage - seeks to safeguard listed buildings, conservation areas and locally listed buildings

CS9: Water Management - all new developments should ensure buildings are located away from areas of flood risk, incorporate mitigation measures and SUDS where possible, ensure there is no increase in the rate of run-off and reduce the volume of surface water run-off where possible.

CS10: Sustainable Design and Renewable and Low Carbon Energy - mitigate the impacts of climate change where possible.

CS11: Planning Obligations - development will only be permitted where existing infrastructure, services and amenities are already sufficient or where the developer enters into a legal agreement.

CS12: Sustainable Neighbourhoods - seeks to provide a better quality of life for residents, with high quality housing and enhancing the appearance of important existing buildings and their settings.

CS13: Housing Mix, Density and Standards - on sites where flats are permitted no more than 30% of the flats should be less than 2 bedroom flats.

CS14: Affordable Housing - where developments comprise 3-14 dwellings then a financial contribution towards off-site affordable housing is required. The contribution will be set out in a SPD.

CS15: Health and Education - contributions will be sought towards provision of school places and healthcare facilities where the development would impact on existing provision.

ASSESSMENT

Principle of backland development

Regarding the principle of residential development in this location, outline planning permission was granted in 2000 (00/0744 refers) for a residential development comprising six, two-bedroomed flats in one two-storey block across the middle of the site. This was renewed in 2003 (reference 03/1038), however the permission lapsed in 2008. The principle of residential development on this garden site has therefore been established. A condition of the approval was that there was no vehicular access from Preston New Road.

In order to be more in keeping with the character of the area, I consider that family houses are preferable to flats and as the site is over 0.2 hectares in area, policy HN6 requires a mix of house types and sizes in order to ensure that a wide variety of housing needs would be accommodated as part of the development. Although the indicative layout appears to show a block of flats, this issue could be addressed at Reserved Matters stage as the layout has not been applied for.

Biodiversity / TPO trees

A neighbour has commented that there are house sparrows resident in some of the trees; house sparrows are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a house sparrow, or to take, damage or destroy an active nest or its contents. The provision to control house sparrows under a general licence was removed from the Act in early 2005 in England, making the species fully protected in England. Development of the garden site could take place outside the breeding season so that there was no conflict in that respect.

The site currently contains sixteen individual trees, two domestic hedges and three groups of trees. A TPO originally applied to eight individual trees and one group of trees. Of those eight trees, permission has recently been granted for six to be removed as they were hazardous and a condition was imposed requiring their replacement in accordance with a scheme to be agreed. The scheme could be designed to take account of any new building proposed, should planning permission be forthcoming on this application.

Locally listed building

In terms of the impact of on 170 Preston New Road, the proposed scheme would not be particularly visible from Preston New Road as there would still be a sizeable garden attached to the bungalow. The impact on the locally listed building would be the widening of the access road to the side of the property to facilitate access to the site, which would mean removal of part of the boundary wall. This would not have a significant impact on the setting of the property, and although Blackpool Civic Trust has objected, I do not consider their objection to hold sufficient weight and justify refusal of the application on this basis.

Amenity

With regard to the impact on the amenities of neighbours, the indicative layout would put properties close to the rear boundary with Newhouse Road dwellings and there would be potential for overlooking. However design and layout is not for consideration at the present time and any privacy, outlook or loss of sunlight issues could be designed out at Reserved Matters stage.

I do not consider that the noise and disturbance generated by the proposed residents would have a significant impact on the quality of life in the existing private rear gardens around the site. However, there has been concern expressed by the neighbour at 168 Preston New Road, the bungalow immediately adjacent to the proposed access road into the site. In addition to the additional vehicular traffic, there would be pedestrian traffic immediately adjacent to her property and those at 1, 3 and 5 Carson Road. Issues with overlooking could be overcome by the use of a suitable boundary screen. However, as pointed out by the Head of Transportation, there could also be 84 daily vehicle movements at the side/rear of her property where she is entitled to expect peace and quiet (in addition to any service vehicles, deliveries etc.). This would be particularly exacerbated if the vehicles were queuing or reversing to allow other vehicles through the long, narrow access. I consider that the noise and disturbance generated by the proposed vehicles would be sufficient to justify refusal.

The indicative layout does not provide for any private amenity space, however this could be addressed at Reserved Matters stage.

Highway Safety, Parking and Accessibility

The Head of Transportation considers that a development could be accessed from the side driveway to 170 Preston New Road. However, he is concerned that the access road does not have a passing place and this will result in vehicles having to reverse either within the confines of the site or onto Preston New Road leading to conflict with other road users to the detriment of highway safety. Whilst one additional dwelling would not have significant impact, an indicative 21 parking spaces have been shown and he considers that the 84 traffic movements (four per parking space) which would be generated every day would be detrimental to highway safety.

Other Issues

With regards to surface water drainage and flooding, the Ordnance Survey map shows a land drain running east-west across the bottom (south) of the site; however the Environment Agency flood maps do not indicate that the site is at potential risk of flooding from rain or tidal sources. Any new hard surfaces could be the subject of a condition requiring them to be permeable. With regard to noise and cooking smells from the fast-food outlets, if these became a nuisance, they could be controlled through the use of Statutory Nuisance powers by Environmental Protection colleagues.

CONCLUSION

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development, which 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 planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Relevant policies for the supply of housing should not be considered up-to-date where the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, this is not applicable as the 2013 SHLAA update demonstrates that Blackpool has a five-year supply against the proposed housing requirement. Therefore, the emerging Core Strategy policies are a material consideration along with relevant saved policies in the current Blackpool Local Plan.

The proposal is in outline only with all matters (scale, siting, layout, access, landscaping) reserved for future consideration, although the location of the access has been stated. The site is in a sustainable location and any adverse impacts arising from the development i.e. on the amenities of the local residents in terms of close proximity, overlooking, site layout, parking provision for future occupiers of the development, private amenity space etc., could be designed out at a later date. The exception is the vehicular access point into the site, which because of its narrowness and length would give rise to highway safety issues and impact on the peaceful enjoyment of the residential occupants of the host property and the neighbour at 168 Preston New Road. Without significant improvement to the access (which has not been applied for) the scheme should be refused on highway safety and noise grounds.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Policy BH10 sets out that all new housing developments should either physically provide or financially contribute to the full rate of provision of 24 sq.m of open space per person. SPG Note 11, *Open Space Provision for New Residential Development and the Funding System*, provides more detailed guidance, with the policy applying to all new residential developments of 3 or more dwellings.

Since no open space capable of being utilised as play area has been provided, there is a requirement for the developer to provide a commuted sum in lieu of open space provision, which could be secured by means of an appropriately worded condition, if permission was forthcoming.

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. In this instance, it is felt that those rights have been compromised to such an extent as to recommend refusal of the proposal.

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

- **Location Plan**

Recommended Decision: Refuse

Conditions and Reasons

1. The means of access to the proposed development would be significantly detrimental to highway safety both for pedestrians and vehicles, by virtue of the inadequate width and excessive length. In addition this would cause loss of residential amenity to the adjacent residents from vehicle movements (particularly due to standing and reversing). The intensity of development proposed would make these matters worse and the proposal would therefore be contrary to Policies AS1 and BH3 of the Blackpool Local Plan 2001 - 2016, Policies CS7, CS12 and CS13 of the Blackpool Local Plan - Part 1: Core Strategy and paragraphs 14 and 17 of the National Planning Policy Framework.
2. **ARTICLE 31 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)**

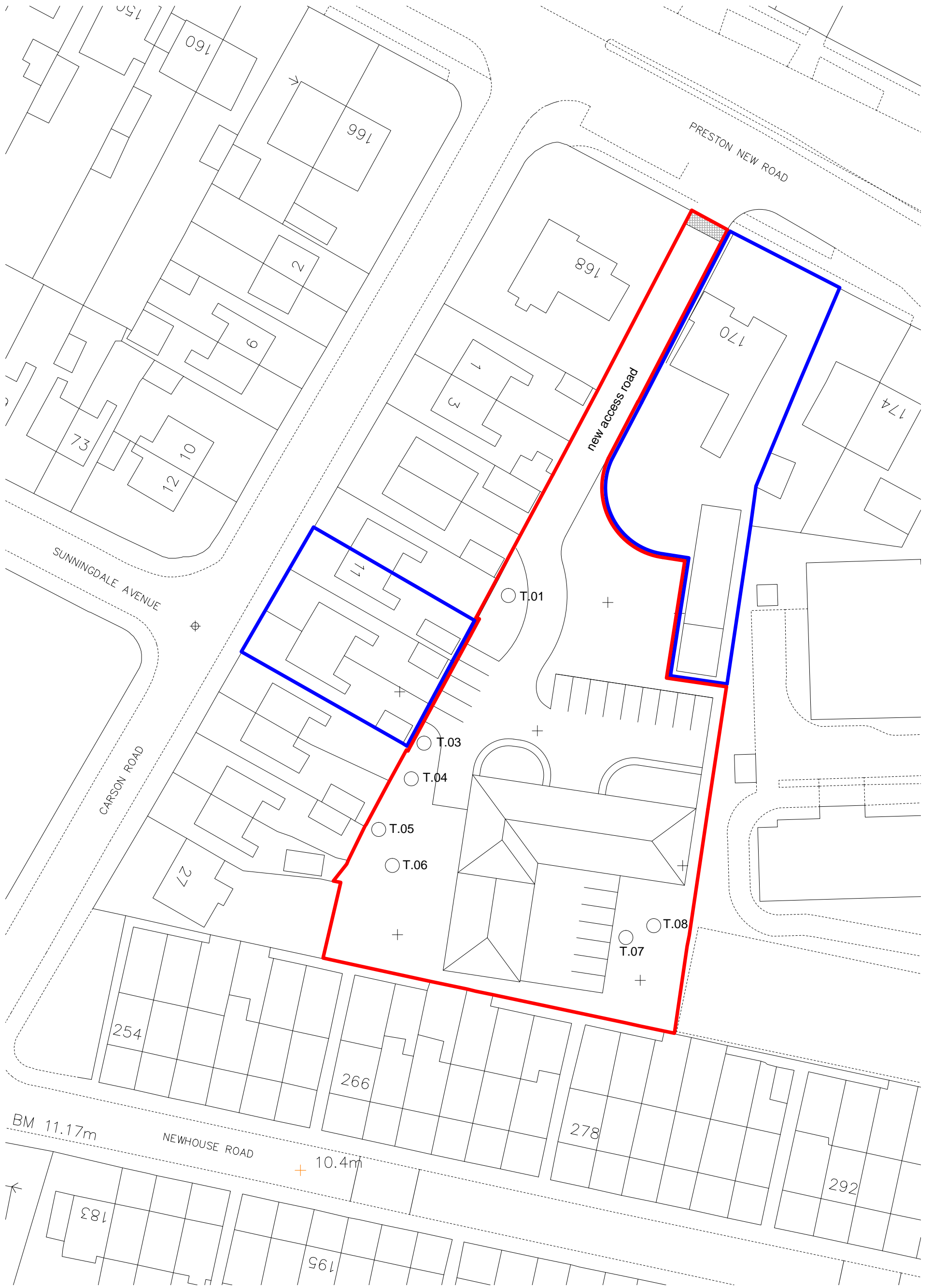
The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors - conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan 2001-2016 and Blackpool Local Plan - Part 1: Core Strategy - which justify refusal.

Advice Notes to Developer

Not applicable

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COMMITTEE DATE: 08/09/2015

Application Reference: **15/0362**

WARD: Warbreck
DATE REGISTERED: 05/06/15
LOCAL PLAN ALLOCATION: Resort Neighbourhood
 Defined Inner Area

APPLICATION TYPE: Outline Planning Permission
APPLICANT: Mr G O'Mahoney

PROPOSAL: Erection of three storey building comprising 15 two bedroom self-contained permanent flats with vehicle access from Gynn Avenue and associated car parking facilities for 6 vehicles, refuse store and cycle store to rear.

LOCATION: KINGS CHRISTIAN CENTRE, WARLEY ROAD, BLACKPOOL, FY1 2JU

Summary of Recommendation: Grant Permission

CASE OFFICER

M Shaw

SUMMARY OF RECOMMENDATION

The site is unallocated in the Local Plan but is in a sustainable location for development, close to the Dickson Road Local Centre and the Promenade for bus and tram services. The site contains a disused locally listed building which has had approval to be demolished. The principle of residential development is consistent with Policy HN4 of the Local Plan and CS1 of the Blackpool Local Plan - Part 1: Core Strategy. The scale and layout of the development is considered appropriate in this location and the design would reflect the character of the area. As such the proposal is considered to be consistent with Policies LQ1, LQ2 and LQ4 of the Local Plan and CS7 of the Blackpool Local Plan - Part 1: Core Strategy. Whilst the loss of the locally listed building is regrettable there is no alternative use on the table and hence the proposal is not considered to conflict with Policy CS8 of the Blackpool Local Plan - Part 1: Core Strategy. Whilst there would not be one car parking space per flat it is felt that the level of car parking of eight spaces for 15 flats is appropriate given the location of the site close to local services and the Promenade (for buses and trams).

INTRODUCTION

The 114 year old stone built Kings Christian Centre (former Claremont Congregational Church) is a locally listed building although it has been vacant for several years and is in a poor state of repair. An outline planning application reference 14/0575 involving the erection of a four storey building to form 20 x two bedroom self-contained flats with 10 car parking spaces was withdrawn on 1st December 2014. One of the issues in assessing this application was the viability of potentially retaining and converting the vacant church and church hall building into flats. This withdrawn application was followed up with a Prior Approval submission for the demolition of the building reference 14/0846 granted on 23rd December 2014. It should be noted that the only issues for

consideration under such an application is the method of demolition and the site remediation, therefore the architectural merit of the building could not be considered.

Discussions have been on-going for several months regarding the development potential for a cleared site which have culminated in the submission of this current application.

SITE DESCRIPTION

The application site is adjacent the junction of Warley Road and Gynn Avenue measuring 35 metres x 34 metres enclosed by a low stone wall to match the materials used on the vacant church and church hall and is located opposite the cleared site of the former Derby Baths close to the Promenade. The character of the area is mixed with holiday uses, residential and retail uses all close-by. Gynn Avenue directly to the side/rear of the site is one of the protected Holiday Accommodation areas and the shopping area nearby on Dickson Road is a designated local centre within the Blackpool Local Plan.

DETAILS OF PROPOSAL

This is an outline planning application seeking approval for access, appearance, layout and scale to a three storey block of 15 x two bed flats in an L shaped layout fronting onto both Warley Road and Gynn Avenue with only landscaping reserved for subsequent approval. The access road immediately to the rear of the site connects Gynn Avenue and Dickson Road and would provide access to the car parking area which is shown to provide six spaces and also for refuse collection. A further two spaces is shown to the front of the building for visitors.

Amended plans have been received following recent discussions revising both the layout of the area to the rear of the building to incorporate an enclosed amenity space, revising the position of the parking spaces and also further amending the design of the building introducing some rendering to the predominantly brick elevations and revising the window and door detailing.

The design of the proposal incorporates full height bay windows with front gables and a feature corner turret which acts as a focal point for the building. The window proportions incorporating stone effect cills and headers and the pitched roof all add to the appearance of a building which gives a reasonable quality building design reflecting a number of traditional features included on buildings nearby.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of re-development
- Design, scale and impact on character of the area
- Impact on residential amenity
- Highway safety/ access/ car parking
- Other issues

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

CONSULTATIONS

Built Heritage Manager: I refer to the application for the construction of a three storey block of flats on the site of the former church on the corner of Warley Road and Gynn Avenue. The design is an improvement on the original proposal, particularly the corner feature and bay windows. The church was locally listed for its architectural merit, however, I would prefer the roof covering of the flats to be slate rather than black concrete tiles.

The existing boundary walls should be retained to connect the historic use of the site with any future use. I would also ask that steps are taken to ensure the stained glass is carefully removed and stored for possible re-use elsewhere in order to ensure that this historic material is not wasted.

Head of Transportation: 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.

United Utilities (Water): 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.

Waste: 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: This planning application is for the erection of a three storey building comprising of 15 self-contained flats on Warley Road, Blackpool. I have conducted a crime and incident search of this policing incident location and during the period 12/06/2014 to 12/06/2015 there have been reported crimes and incidents including burglary. A burglary occurred close to this location whereby the offenders entered a property converted into flats by removing the barrel from the lock of the communal UPVC front door. Based on crime and incident levels in this location I recommend that this scheme is developed to Secured By Design security standards. In order to reduce the opportunity for crime and disorder at the scheme such as burglary I make the additional following security recommendations:-
the dwellings should be built to Secured By Design security standards to protect them from criminal activity such as burglary. In particular I would recommend that the requirements of Part 2 of Secured By Design, physical security are conditions of planning permission -

- The communal entrance doorsets should be doors of enhanced security tested and certificated to PAS 24/2012 security standards. These communal entrance doorsets into the building should be fitted with an access control system to restrict unauthorised entry eg. keyfob/keypad or similar. Should an offender gain access into the building it compromises the security of all 15 flats.
- Each individual flat entrance doorset should be tested and certificated to enhanced security standards PAS 24/2012. All glazing in doors and windows should be laminated. In order to target harden the flats against forced entry it is recommended that laminated glazing is fitted at ground floor level windows and all windows should be PAS 24/2012.
- Consideration should be given to the main communal entrance areas into the block of flats being covered by a CCTV camera. The presence of formal surveillance contributes towards modifying a potential offender's behaviour. Should a CCTV camera be fitted at the scheme it should be positioned inside the main communal entrance doorsets so that it captures a clear head and shoulders image of all persons entering the building.

- The car parking spaces and cycle storage area should be illuminated with British Standard 5489 lighting columns and the main communal doorsets and emergency exits should be fitted with dusk till dawn PIR security lights.

County Archaeologist- I understand that prior approval has already been provided for the demolition of the existing church building on this site, despite its status as a locally listed building and our earlier recommendations and that no conditions were applied to that consent.

It would now appear to be impossible for you to require written justification for demolishing the existing building or to require a record to be made prior to its demolition. (a condition is to be imposed as part of this permission)

PUBLICITY AND REPRESENTATIONS

Press notice published: 25 June 2015

Site notice displayed: 1 July 2015

Neighbours notified: 11 Jun 2015 and 25 August 2015

One letter of objection has been received from 12 Warley Road on the grounds there are still too many flats. The flats would be too small for modern living and six parking spaces for 15 flats is inadequate. Parking on Warley Road is at a premium all year round and Gynn Avenue is also congested so adding more vehicles would be a nightmare. Consideration must be given to highway safety. Would more permanent flats alongside B and Bs and small hotels be appropriate?

These issues will be addressed in the assessment part of the report.

Any further comments that are received before the Committee meeting will be reported in the update note.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Of the 12 core planning principles those that are relevant to this proposal are summarised below:

- Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings.
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land).

Part 6 - Delivering a wide choice of high quality homes.

Housing applications should be considered in the context of the presumption in favour of sustainable development. It is acknowledged that proposals for housing development should be looked upon favourably if a Local Planning Authority is unable to demonstrate a five year supply of

housing land. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Part 7 - Requiring good design.

Planning decisions should aim to ensure that developments respond to local character and history. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is proper to seek to promote or reinforce local distinctiveness.

Part 11 Conserving and enhancing the natural environment.

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Part 12 - Conserving and enhancing the historic environment.

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the desirability of new development making a positive contribution to local character and distinctiveness.

In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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:

LQ1 - Lifting the Quality of Design

LQ2 - Site Context

LQ3- Layout of Streets and Spaces

LQ4 - Building Design

LQ6- Landscape Design and Biodiversity

LQ8- Energy and Resource Conservation

HN4 - Windfall Sites (housing development)

HN6 - Housing Mix

HN7 - Housing Density

BH3 - Residential and Visitor Amenity

BH10 - Open Space in New Housing Developments

AS1 - General Development Requirements (Access and Parking)

SPG 11- Open space requirements

EMERGING PLANNING POLICY

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive on 16th June 2014 and by full 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 11th and 15th 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 of Development)
- CS2 (Housing Provision)
- CS7 (Quality of Design)
- CS8 (Heritage)
- CS10 (Sustainable Design and Renewable and Low Carbon Energy)
- CS12 (Sustainable Neighbourhoods)
- CS13 (Housing Mix, Density and Standards)

None of these policies conflict with or outweigh the provisions of the adopted Local Plan policies listed above.

ASSESSMENT

Principle of Re-development - The site has no specific allocation in the Blackpool Local Plan 2001-2016 and has not been identified as a site which has potential for housing development in the 2013 SHLAA Update which supports the Core Strategy Proposed Submission. The site does not therefore contribute towards meeting the Council's requirement to identify a five year housing land supply. However, the site is considered suitable in principle for residential re-development and the provision of good quality residential accommodation is supported in principle subject to the details being considered acceptable.

In response to the objector, this is a mixed area and therefore it is not considered that a block of permanent flats would be detrimental to the character of the area. In addition it could be argued that a deteriorating, long standing vacant building with no sign of any other development proposal in the pipeline is detrimental to the character of the area.

Design, Scale and Impact on the Character of the Area- the current proposal is now three storey providing 15 flats having previously been 4 storey and 20 flats under application 14/0575. This reduction in scale is considered to be appropriate and to be in keeping with the scale of other buildings close-by to the application site.

The design of the proposal incorporates full height bay windows with front gables and a feature corner turret which acts as a focal point for the building. The window proportions incorporating stone effect cills and headers and the pitched roof all add to the appearance of a building which gives a reasonable quality building design reflecting a number of traditional features included on buildings nearby. In this amended form it is considered that the approval of planning permission can be supported. The approval of facing materials will be dealt with as a condition of any planning permission and it is important that good quality and appropriate materials are used in the construction.

Impact on Residential Amenity- it is not considered that the proposal raises any particular amenity issues for the area other than potentially creating an additional demand for on-street car parking. However, the number of available on street parking spaces is already at a premium, as the objector confirms, and therefore the capacity to add to the current level of on-street parking is fairly limited.

The existing buildings are fairly bulky and have a large footprint relative to the size of the site and therefore as the proposed building footprint is much smaller and confined to the two road frontages this should give more natural daylight and outlook to those immediately adjoining properties to the rear.

In terms of the residential amenity of future residents of the flats, the amendments have included the provision of a private communal amenity space of over 150 square metres by re-positioning the car parking spaces. Residents could also choose to use the area to the front of the building fronting Warley Road which is south facing and also affords sea views. The proposed flats are a good size and meet the standards set out in the Council's 'New Homes from Old Places' Supplementary Planning Document which relate to conversions rather than new build development.

Highway Safety/ Access/ Parking -whilst the proposal makes provision for eight off street parking spaces for the 15 flats it should be noted that the former church and church hall would have generated on street parking and there are at present no off street parking facilities at the application site. Other Class D1 uses which could occupy the building without planning permission include a health centre, a day nursery and education and training uses, all of which have significant traffic generation and on street parking implications.

The application site is also in a sustainable location and well situated to access public transport, shops, eating and drinking establishments, medical facilities, public open space, schools and the town centre all within easy walking distance whereby future residents would not necessarily have to rely on car ownership.

Other Issues- refuse and cycle storage is shown to the rear. Refuse collection is from the rear access road and direct access is also available to Warley Road from the rear of the building. The proposal involves the retention of the existing low stone boundary wall to Warley Road and Gynn Avenue and there is ample opportunity for a good quality landscaping scheme to be carried out, this will be submitted as a reserved matter.

The Police Secure by Design comments have been passed onto the applicant's agent and any response will be reported via the up-date note. Finally in relation to the LCC Archaeologist's comments a condition will be imposed on any approval granted here requiring the appropriate recording of the building prior to demolition. The Prior Approval application for demolition gave the LPA 28 days to determine which did not allow time for the Council to withdraw demolition rights.

CONCLUSION

The proposal is considered to be an acceptable re-development of the site subject to the adequate recording of the existing building being undertaken prior to demolition and subject to suitable facing materials and landscaping details being agreed prior to development commencing. Whilst off street parking is only around 50% it should be noted that the Council car parking standards require a maximum of 150% car parking although this site is in a highly accessible location, the potential traffic generation from the current Class D1 uses could itself be significant and finally to require an off-site parking requirement of 22/23 spaces would render any re-development of the site unviable. On this basis the proposal is considered acceptable

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

See condition 9 of this report which requires payment of the appropriate contribution towards public open space provision and maintenance as set out in Policy BH10 of the Local Plan and SPG11

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

- **Location Plan**

Recommended Decision: Grant Permission

Conditions and Reasons

1.
 - i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
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 LQ1, LQ4, BH3 of the Blackpool Local Plan 2001-2016 and because such details are not included in the application.

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 five 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 and because such details are not included in the application.

4. 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 and because such details are not included in the application.

5. No development shall take place until a 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 construction period
- control of noise emanating from the site during the 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 construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic.

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 and because such details are not included in the application.

6. 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.

7. 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.

8. No flat shall be occupied until all of the external alterations and the internal layouts 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, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

9. 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 £10,320 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.

10. The demolition of the existing building shall not take place until the recommendations contained in the submitted Ribble Ecology Report dated Sept 2014 and submitted with application 14/0846 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

11. No demolition of the existing buildings shall take place on the site until the applicant or their agent, has secured the implementation of a programme of building recording analysis. This must be carried out prior to any demolition, in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the site, in accordance with Policy LQ2 of the Blackpool Local Plan 2001-2016.

Advice Notes to Developer

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

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