

**COMMITTEE DATE:** [27/09/2016](#)

**Application Reference:** **16/0246**

WARD: Anchorsholme  
DATE REGISTERED: 13/06/16  
LOCAL PLAN ALLOCATION: Main local centre  
Local centre

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Lidl UK GMBH

**PROPOSAL:** Demolition of existing dwellinghouse at 6 Anchorsholme Lane West and formation of 10 additional supermarket car parking spaces with associated fencing and landscaping.

**LOCATION:** 6 ANCHORSHOLME LANE WEST, BLACKPOOL, FY5 1LY

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**Summary of Recommendation:** Refuse

#### **CASE OFFICER**

Mr M Shaw

#### **SUMMARY OF RECOMMENDATION**

The proposal represents a significant intrusion into the residential amenities of the occupiers of 2 and 4 Cherrywood Avenue in particular, a detached house and bungalow both in close proximity to the application site and both situated within relatively small plots with windows overlooking the Lidl site. It is considered that this impact on adjoining properties would be unacceptable and harmful to residential amenity contrary to local and national planning policy.

#### **INTRODUCTION**

The single storey Lidl store is located adjacent the junction of Fleetwood Road (A587) and Anchorsholme Lane West forming part of a designated local centre within the Blackpool Local Plan. The store was constructed following the granting of planning permission (reference 95/0019 on 31 July 1995) and has been previously extended on the Fleetwood Road elevation under planning permission 09/1302 adding a further 250sqm of floorspace to give an extended store size of 1349sqm. A much more recent planning permission reference: 14/0827 involved a further extension to the Fleetwood Road elevation of the building to form additional 'back of house' facilities (bakery preparation, freezer compartment and warehouse) measuring 50 metres by 5 metres. This extension resulted in the re-arrangement of the car parking area to accommodate the extension with the loss of one of the parking aisles although there was no net loss of parking spaces from the car

parking area with a total of 81 spaces available for staff and customers of the store. The proposed extension gives a total floorspace of 1594 sqm within the store.

### **SITE DESCRIPTION**

The store is bounded to the side and rear by residential properties fronting Fleetwood Road and Cherrywood Avenue and has access/egress to and from the customer car park via Anchorsholme Lane West next to 6 Anchorsholme Lane West, a two storey detached house, and access to the service area from Fleetwood Road. The servicing access/egress from Fleetwood Road is also now a customer egress recently granted under planning permission 15/0702 with the aim of taking any additional pressure off the junction of Fleetwood Road and Anchorsholme Lane West.

### **DETAILS OF PROPOSAL**

Demolition of this two storey detached house which sits adjacent the vehicle access/ egress to the car park and also sits adjacent the junction of Anchorsholme Lane West and Cherrywood Avenue. The cleared site would then be used to create 10 additional car parking spaces for the supermarket with associated landscaping and fencing. This application is a re-submission of 15/0703 which was withdrawn and is accompanied by a Technical Note dealing with highway, car parking and servicing issues and a bat survey.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of the Proposal
- Impact on Residential Amenity
- Highway Safety/ Parking and Need for the Development
- Other Issues

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

### **CONSULTATIONS**

**Environment Agency:** 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 Highways and Traffic Management:** I have reviewed the content of the Technical Note which identifies the need for additional parking for the foodstore at the junction of Fleetwood Road/Kelso Avenue/Anchorsholme Lane West. There are peaks and troughs throughout the week and at certain times, the car park reaches near full capacity,

demonstrating the need for the additional car parking spaces. On this basis, I see no reason why this cannot be supported by Traffic and Highways.

I would however like to add that the submission, if supported, will create 10 additional spaces to meet the parking demands of the store which in turn is supported by the content of the Technical Note. If the Committee is mindful to support this proposal, 10 additional spaces is the maximum that should be supported, taking the overall number of spaces to 91. A condition to be included with any permission granted detailing that the number of parking spaces must not exceed 91. The point I am trying to make is the fact that the operator does not feel the need to increase the parking provision beyond 91 (supported by the Technical Note) which clearly demonstrates that 91 car parking spaces is sufficient to cater for this particular store and its use. The redundant crossing on Anchorsholme Lane West to be removed at the developer's expense

**Service Manager Public Protection:** 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:** 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 Services 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**

Site notice displayed: 16 June 2016

Neighbours notified: 15 June 2016

21 letters of objection have been received from 350 Fleetwood Road, Flats 1, 3, 4 and 6 at 13 Anchorsholme Lane West, 21 Anchorsholme Lane West, solicitors on behalf of 4 Cherrywood Avenue, 1, 3 (x2), 6, 7, 8, 9, 10, 12, 13, 14, 15, 21, 22 Cherrywood Avenue, 7 Harrison Avenue (on behalf of 4 Cherrywood Avenue) (x3) raising the following matters:-

- there will be an increase in traffic and noise in such a quiet area
- Anchorsholme Lane West is already overflowing with traffic and at a standstill
- proposal will increase the risk of a road traffic accident
- Lidl should be encouraging car sharing and use of public transport
- proposal is inappropriate to the character of the close knit community
- extra noise will be particularly prevalent during late night opening with car doors slamming, loud music and raised voices seven days a week
- a report submitted stated the car park was never used to capacity and the existing number of spaces falls with parking standards
- Lidl have shown a disregard for residents' concerns and welfare

- this may only be the beginning of further demolition works encroaching into Cherrywood Avenue and 'commercial creep'
- it is understood that the car park is being used to accommodate shoppers vehicles not visiting the store
- people park here and shop in Cleveleys Town Centre or go into Blackpool or Fleetwood
- The noise, dirt and smells combined with the works at Anchorsholme Park are too much
- loss of light, overlooking and loss of privacy, and light pollution
- there is no need for extra parking spaces and since the extension was finished the car park is never full
- a survey of the car park submitted in April 2015 found that the car park was only 90% full
- on the previous application to extend the store Lidl were content that the car park was large enough to meet their needs
- the 81 spaces provided meets national standards for a store of this size
- it is assumed that Lidl were intending to submit this application at the time of 14/0872, so why did they not seek to have both applications considered together?
- any more traffic would cause additional congestion and would be dangerous
- when the store was built a buffer zone was left between the store and dwellings on Cherrywood Avenue to minimise nuisance
- the application involves the demolition of a structurally sound and beautiful house and there is a shortage of family homes
- previous construction work commenced as early as 7am (including weekends) until late with noise from a generator
- potential impact on property prices
- this is predominantly a retirement and family area where people want to live in peace
- the site is within flood zone 3 and there is no flood risk assessment
- Cherrywood Avenue may be used by more traffic as a rat run
- the additional parking spaces are very close to the adjoining back garden, front and rear door
- it is understood they are also trying to purchase other houses and obviously planning a further extension. This quiet area will be ruined if this goes ahead.
- the proposal would infringe neighbours' human rights with regards to privacy and family life at home'

**Councillor Galley**- My objections are these plans will increase traffic at a very busy and dangerous junction the (Anchorsholme Lane junction), and generate increased traffic on Anchorsholme Lane West which is already struggling to cope with all the United Utilities construction lorries now using the road to access the £100 million construction site in Anchorsholme Park and will not be completed until 2020 and is a long term construction route.

The application will also negatively affect the properties next to the proposed car park with the banging of car doors at all hours and will negatively affect a lovely residential street that is already struggling to cope with all the construction notices and traffic in the area. I have already had one resident in tears at the thought of even more noise on her doorstep. Lidl's own parking survey confirms that their car park was never full even at the busiest times and proves this development is not only unwanted, it's also unnecessary.

**Councillor Williams-** Lidl has no parking supervision and their current car park is used by shoppers walking into Cleveleys. The existing car park is never full to capacity and I feel they would utilise an extended car park for enhanced external displays etc. Lidl has a history of not adhering to regulations in regard to delivery nuisance and also of delayed responses. In addition the demolition of a very nice property would 'open up' College Avenue and alter its aesthetic appearance possibly affecting the value of properties.

## **NATIONAL PLANNING POLICY FRAMEWORK**

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

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the National Planning Policy Framework 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 which include to proactively drive sustainable development and secure a high standard of design and a good standard of amenity.

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 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.

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

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

- CS4 Retail and Other Town Centre Uses
- CS7 Quality of Design
- CS5 Connectivity
- CS12 Sustainable Neighbourhoods

### **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.

**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;
- II. and/or  
the use of and activity associated with the proposed development;
- III. or by  
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 BH14 Local Centres** highlights that Local Centres provide for day-to-day convenience shopping needs and other supporting uses readily accessible by a walk-in local catchment. The policy seeks to safeguard and enhance the role of Local Centres. Proposals for retail uses which reinforce the role of the local centres will be permitted.

**Policy NE10 Floodrisk** 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 Councils 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.

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.

## **ASSESSMENT**

**Principle of the Proposal-** The proposal involves the demolition of what appears to be a good, structurally sound family home in order to create an additional 10 car parking spaces to extend the Lidl car park by 10 spaces from 81 to 91 spaces. There are a number of other relevant factors to be considered including the size of the store, the size and level of use of the existing car park, current maximum car parking standards, local opinion, the impact on residential amenity, and on 2 and 4 Cherrywood Avenue in particular. The acceptability or otherwise of the proposal is considered to hinge on the details and its impact rather than relating to the principle of development.

**Impact on Residential Amenity-** The proposal will expose the sides and rear elevations of 2 and 4 Cherrywood Avenue to the activities associated with the store, including noise and disturbance from the extended car park. Both are detached properties although 2 Cherrywood is a two storey house and 4 Cherrywood Avenue is a bungalow. Both properties also have a number of windows on both their side and rear elevations and have relatively small rear gardens and are positioned close to what would be the new boundary with the extended store car park. The close proximity of both properties to the new shared boundary and their small rear gardens, and the number of windows and doors which would look out onto the extended car park all add to the impact on the occupiers of these dwellings which is considered to be unacceptable and overly intrusive and contrary to the relevant local and national planning policy including local plan policies BH3 and CS7.



As an additional matter, from officer and neighbour first hand observations, the current car park appears to be ample for the store, however, a number of those spaces are located up the side of the store towards the service bay and these spaces do not get used anything like as much as the spaces adjacent Anchorsholme Lane West which are much more conveniently located to access the store. Therefore it would be anticipated that these 10 proposed additional spaces would be in constant use being more conveniently located to the store entrance which would maximise the impact upon the two neighbours at 2 and 4 Cherrywood Avenue in particular. It might also be suggested that the impact upon neighbouring properties is increased due to the fact that a number of nearby properties are bungalows with retired occupants.

Whilst the submitted plan indicates a landscaped buffer zone between the car park and the two affected residential boundaries there is little confidence that this would have anything other than a minimal impact. The current landscaping comprises a sparse selection of shrubs and there have been previous issues with landscaping around the store boundaries being removed. Notwithstanding this situation it is not considered that a landscaped buffer around 2 metres wide will overcome the issues identified above.

**Highway Safety/ Parking and Need for the Development-** There are not considered to be any particular highway safety implications arising from the application. The highway safety issues associated with the operation of the site are dealt with by application 15/0702 which recently made the customer egress onto Fleetwood Road a permanent arrangement.

In terms of the number of parking spaces, the existing spaces currently provided are considered sufficient for the recently extended store, though from Lidl's point of view these spaces may not all be in the right location in terms of proximity to the store entrance. The existing 81 parking spaces were recently stated by Lidl under planning application 14/0827 and approved in June 2015 for the latest store extension to be sufficient for their requirements. However, in less than 6 months after that approval, Lidl has submitted this follow up proposal under application 15/0703. Lidl quote that the additional 10 spaces would still be within car parking standards of 1 spaces per 17sqm of gross floorspace although it is important to note that these are maximum standards and do not necessarily override other considerations such as residential amenity. It is also worth noting that it is officers' and neighbours' observations that the current car park does not have particular capacity issues and the store is also well located for use on foot and is also well served by public transport with tram and bus stops close by. The Technical Report accompanying the application assumes the site to have a low level of accessibility which is clearly not the case and therefore it is considered that the store is proposing an over-provision of car parking spaces. The parking requirements and parking standards calculations have been queried with the agent but to date no response has been forthcoming. It is suggested the maximum of spaces at the store could be as high as 106 spaces but equally using the same standards it could also be much lower than the current provision, which the applicants themselves claimed was adequate to justify the most recent extension.

**Other Issues-** the impact this or any other development has on property values is not a material planning consideration and therefore cannot carry any weight in this outcome.

With regards to floodrisk it would be expected that any recommendation of the application for approval would require a surface water drainage condition which would deal with this matter adequately.

The existing house on the application site appears to date from the 1970's and is typical of the area. The proposed loss of a good quality family home is unfortunate and would extend the commercial frontage to the Lidl development a further 14 metres up Anchorsholme Lane West and leave 2 Cherrywood Avenue much more exposed visually and physically. It is considered that this is a backward step which would be detrimental to the character and appearance of the surrounding area. One of the requirements of Core Strategy Policy CS7 is that development should enhance the character and appearance of the area which is certainly not the case.

The potential future growth aspirations of Lidl has been raised by several adjoining residents due to their apparent interest in purchasing other adjoining properties which may perhaps explain why they wish to extend the car park. This matter has been queried with Lidl but to date no confirmation or denial has been received other than a request that this application be dealt with on its own merits. The application has been considered on its own merits, however, the approval of this application may set a precedent which may make any future growth of the store or its car park more difficult to resist in principle.

### **CONCLUSION**

For the reasons set out above the proposal is considered detrimental to the residential amenities of the two immediate neighbours on Cherrywood Avenue, in particular, and also detrimental to the character and appearance of the area being a further commercial intrusion into what is primarily a residential area.

### **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.

## **BACKGROUND PAPERS**

Planning Application File(s) 16/0246 which can be accessed via the link below:

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

**Recommended Decision:** Refuse

### **Reasons for Refusal**

1. The proposed development would be detrimental to the residential amenities of adjoining residents, particularly 2 and 4 Cherrywood Avenue, by reason of additional visual intrusion, noise, general disturbances and loss of privacy. The proposal would also result in the loss of a good quality family home and increase the commercial encroachment further into this residential area and would therefore be detrimental to the visual amenities and character of the area.

As such the proposal would be contrary to Policies LQ1, LQ2, LQ14, BH3 and BH4 of the Blackpool Local Plan 2001-2016, Policies CS7 and CS12 of the Blackpool Local Plan Part 1:Core Strategy 2012-2027 and paragraphs 17, 56-65 and 123 of the National Planning Policy Framework.

### **Advice Notes to Developer**

Not applicable