

**COMMITTEE DATE:** 13/06/2017

**Application Reference:** 17/0011

**WARD:** Marton

**DATE REGISTERED:** 12/01/17

**LOCAL PLAN ALLOCATION:** Countryside Area

**APPLICATION TYPE:** Full Planning Permission

**APPLICANT:** Rontec Service Stations 1A Limited

**PROPOSAL:** Erection of single storey building to form drive through coffee shop to rear of existing petrol filling station utilising existing access and egress, with associated landscaping, bin and cycle stores and parking for 25 cars, following demolition of existing residential caravan park.

**LOCATION:** WINDMILL SERVICE STATION, PRESTON NEW ROAD, BLACKPOOL, FY4 4XQ

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**Summary of Recommendation:** Grant Permission

**CASE OFFICER**

Mr M Shaw

**BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

**SUMMARY OF RECOMMENDATION**

This application is one of two identical planning applications, one submitted to Blackpool and the second to Fylde Borough Council, given that the Esso petrol filling station with its associated access and egress points from Preston New Road is within Blackpool and the Windmill Caravan Park directly to the rear is within Fylde Borough. Whilst, understandably, a number of the residents of the Caravan Park are upset by the prospect of being displaced by the proposed development this is a civil legal dispute involving the landowners, the former lessees of the land and the residents of the site. It is understood the lease of the site expired in January 2016 and there is an on-going legal dispute to resolve this matter. Whilst this is obviously a distressing situation for the occupants of Windmill Caravan Park, Members have to consider whether this is an appropriate land use in this location having regard to the Policies of the Local Plan.

The application has been amended to address concerns expressed by the Head of Highways and Traffic Management relating to access into the site and the circulation of traffic within

the site and also to add to the boundary landscaping. Given that there are now no highways objections and given that the principle of development is acceptable, the application is recommended for approval.

## **SITE DESCRIPTION**

This application relates to an existing petrol filling station with associated 90 sqm kiosk/ shop and car wash located on the east side of Preston New Road in close proximity to Junction 4 of the M55. Directly to the rear of the site is Windmill Caravan Park which has a shared access/egress with the exit from the petrol filling station site. Whyndyke Farm also immediately bounds the site to the east, north and south, and an access/egress point to Whyndyke Farm is also immediately adjacent the application site. Whyndyke Farm has a Planning Committee resolution to grant outline planning permission from both Blackpool and Fylde Councils for a maximum of 1,400 dwellings and up to 20 hectares of Class B2 and B8 general industrial and warehouse development with associated education, retail, health and public open space provision subject to the finalisation of a Section 106 Agreement. Whyndyke Farm comprises approximately 90 hectares of land and an area of the Farm close to Preston New Road and close to the petrol filling station is used at present for car boot sales and is approximately 90% in Fylde and 10% within Blackpool.

A planning application within the existing petrol filling station site on the site of the jet wash for the erection of a single storey retail unit (Use Class A1) with associated parking for six cars reference: 15/0046 was refused in 2015 for the following reason:-

*The proposed development would be significantly detrimental to highway safety by virtue of the close proximity of the proposed building to the site access and the potential for vehicle conflicts within the site and on the public highway. The proposed development may also result in vehicles backing out onto Preston New Road which combined with the road layout, vehicle speeds and the volumes of traffic on Preston New Road within the vicinity of the application site and proximity of the site to the vehicle access to Whyndyke Farm and Junction 4 of the M55 Motorway, would be detrimental to highway safety and the free flow of traffic. The proposed development would therefore be contrary to Policy AS1 of the Blackpool Local Plan 2001 - 2016 and paragraphs 14, 17 and 32 of the National Planning Policy Framework.*

The application site and its immediate surroundings are designated as a countryside area within the Blackpool Local Plan 2001-2016 and the Fylde Local Plan.

## **DETAILS OF PROPOSAL**

The proposal is for the erection of a 167 sqm single storey detached building to form a drive through coffee shop (Class A1/ A3 use) to the rear of the Windmill Service Station on the site of the existing Windmill Caravan Park. The proposal will utilise the existing access and egress points serving the petrol filling station and in addition to providing a drive through facility the proposal will also provide seating within the coffee shop and 25 car parking spaces and also provides parking for motorbikes and cycles. Amended plans have been received to address comments relating to highway safety, the circulation of traffic and

landscaping within the site. An internal layout plan of the proposed coffee shop is awaited at the time of writing this report.

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

### **MAIN PLANNING ISSUES**

- Principle of Development
- Impact on Residential and Visual Amenity
- Highway Safety, Parking and Servicing Arrangements
- Loss of Existing Mobile Home Dwellings

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

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** objected to the first submitted amendments to the application as follows:-

I continue to maintain my objection and would recommend refusal to this proposal due to poor pedestrian connectivity to the site. Problems currently exist with traffic movements in this area which has been observed by officers within the team. The proposal could cause harm and be detrimental to highway safety. Should the Committee be minded to support this proposal and grant permission, the following off-site highway works must be conditioned to mitigate the impact.

1. Full pedestrian crossing facilities at the traffic signal junction of Preston New Road/Clifton Road.
2. Closure of the existing right – turn pocket on Preston New Road, including the removal of the deceleration lane.
3. Creation of a new right-turn pocket (opposite the north access with the construction of a deceleration lane and the new right-turn pocket to be incorporated into the traffic signal junction, ensuring traffic requiring access to the Petrol Filling Station/Coffee shop/Wyndyke Farm site is controlled and managed by the traffic signals).
4. A one-way system into the site, with entry from the north access point and exit via the south access point.

**Further amended details have been received and an up-date regarding further Highway comments will be given prior to the meeting.**

**Service Manager Public Protection:** No representations 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 representations 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.

**Contaminated Land Officer:** No representations 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.

**Fylde Borough Council:** No representations 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: 24 January 2017

Neighbours notified: 18 January 2017

14 letters of objection have been received from 2, 3 (as Secretary of the Windmill Park Residents Association), 5 and 8 Windmill Caravan Park and Ainsdale Avenue, Blackpool and Meadow Rise, Lincoln on the following grounds:-

- It is strange given that permission has been granted for 1400 houses on the land to the rear that you would consider making pensioners homeless. At least five residents would be in need of social care if their homes were lost to this proposal.
- Residents did not object to the Whyndyke Farm proposal as they would be part of a community with all its amenities and safeguards.
- There is not a need for Costa Coffee as there is already an outlet in the refurbished shop and there are plenty of other food and drink outlets nearby. Question- coffee or 12 aged people made homeless?
- The objection on behalf of the Residents Association is accompanied by a large number of annotated photos to illustrate concerns regarding vehicle congestion and potential traffic hazards in and around the petrol filling station.
- One resident is disabled and bought a home here because it gave them freedom to move around and was affordable.
- In 2015 an application for a Subway store was refused on traffic grounds. This proposal provides 26 parking spaces and will involve even more traffic generation exiting onto a very fast and dangerous road. Car boot sales on Whyndyke Farm also cause traffic problems on Sundays. If the proposal is approved these problems would be seven days a week.
- The proposed exit to the drive through is hazardous as the mobile home site uses this as its only entrance and exit. There is a history of accidents even before Preston New Road is reached.
- One objection has been submitted on behalf of his brother who lives in No 12 and has dementia. If this plan is passed he will have no home and he has no family in Blackpool. Will Blackpool and Fylde Councils contribute towards a new home if this is passed?

- Many elderly people have owned and lived in their properties on this site for many years and have spent tens of thousands of pounds. The fact that elderly residents are able to live in their own homes greatly assists their physical and mental health.
- For these elderly residents to be faced with the destruction of their homes at this time of their lives is a despicable way for anyone to be treated.
- These homes are owned by the residents not by Rontec or any other company.
- It is understood that the demolition of private property will not be taken into account. If the application is not refused a legal action case will be instigated.

**Mark Menzies, then MP for Fylde** has written in on behalf of Windmill Caravan Park residents objecting to the application on the following grounds:-

- First and foremost the application is forcing the residents of some 12 permanent addresses out. These caravans are residential and represent affordable owner/occupier homes. Planning policies require us to generate homes not demolish them and some of the residents are disabled.
- Perhaps not a planning issue but a human one, I am concerned about the amount of notice being given to residents. There is a residents association but also a leasehold organisation between them and the owners of the land, Rontec. Information has not been percolating through to the residents from Rontec.
- There appears to be a very messy legal situation and pending legal proceedings between the leasehold company and Rontec.
- I firmly support the objection put together by the Windmill Park Residents Association.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was published on 27 March 2012. 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. It contains 12 core planning principles including:-

1- 'building a strong, competitive economy'- .....ensure the planning system does everything it can to support sustainable economic growth.

7- 'requiring good design'.....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.

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

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016.

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

CS1 - strategic location for development

CS7 - quality of design

CS10 - sustainable design

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

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

|      |  |
|------|--|
| LQ1  | Lifting the Quality of Design                          |
| LQ2  | Site Context   |
| LQ4  | Building Design  |
| BH3  | Residential and Visitor Amenity                        |
| BH4  | Public Health and Safety                               |
| BH17 | Restaurants, Cafes, Public Houses, Hot Food Take Aways |
| NE2  | Countryside Areas                                      |
| AS1  | General Development Requirements                       |

### **ASSESSMENT**

**Principle of Development-** the proposal involves the extension of an existing petrol filling station with a drive through coffee shop to the rear on the existing Windmill Park caravan park (see below for comments on the loss of the mobile homes). The principle of extending the facilities on offer at the petrol filling station is accepted, and is commonplace with many similar facilities providing retail, food and drink facilities, for customers who may or may not be also buying fuel. In this context it is not felt to be in conflict with Policy BH17 of the Local Plan. This however is subject to the details of the application being considered acceptable.

A previous planning application reference: 15/0046 for a Subway store within the curtilage of the existing petrol filling station was refused on highway safety grounds therefore the details of this current application have to address why, on highway safety grounds, this application is considered acceptable.

Whilst the facility is out of centre and within an area designated as countryside in the two respective local plans it is not considered that a refusal can be justified on planning policy grounds. Firstly, given that the application site is surrounded by the 90 hectare Whyndyke Farm approved mixed use development and, secondly, the application is a brownfield site and a significant number of petrol filling stations now increasingly include convenience stores and freestanding food and drink outlets as part of the customer offer.

**Impact on Residential and Visual Amenity-** the proposal has a typical fairly functional appearance which would be positioned behind the existing petrol filling station and would

not extend beyond the footprint of the Caravan Park. The surrounding Whyndyke Farm has outline planning permission, subject to the signing of the Section 106 Agreement, for a maximum of 1400 dwellings and 20 hectares of general industrial and warehouse development. Therefore the visual impact of the proposed development is considered acceptable. In terms of the impact on residential amenity there are no dwellings adjacent the application site which would be adversely affected by the proposal.

**Highway Safety, Parking and Servicing Arrangements-** discussions have been on-going between officers and the applicant's agent and highways consultant regarding highway and pedestrian safety, traffic flows to and from the site and also through the site. A number of amendments and improvements have been made which are under consideration and a final update will be given prior to the meeting. The proposed coffee shop is located to the rear of the petrol filling station with 25 car parking spaces unlike the previously refused Subway application reference: 15/0046 which was close to the site access and provided only six car parking spaces. Therefore the current proposal can be readily distinguished from the previous refusal.

**Loss of Existing Mobile Home Dwellings-** a number of objections have been received relating to the loss of the existing residential Caravan Park which comprises 12 mobile homes. It is understood that the lease on the site expired in January 2016 and the site owners are seeking to take re-possession of the site in order to allow the development to proceed, subject to planning permission. Whilst this situation is inevitably causing the residents and their families some distress, this is a private legal matter between the site owners, the former lessees and the existing residents. It is a common occurrence for a planning application to involve the redevelopment and/or conversion of a site/ building(s) whereby existing residents are displaced. The granting of a planning permission does not prejudice or override any residency, tenancy or compensation rights that may apply should the applicant wish to implement any planning permission.

## **CONCLUSION**

In land use terms the proposal is considered acceptable. The erection of a drive through coffee shop behind an existing petrol filling station close to Junction 4 of the M55 surrounded to the sides and rear by the proposed Whyndyke Farm 90 hectare mixed use development is in accordance with the relevant local and national planning policies, subject to the final confirmation from the Head of Highways and Traffic Management that the further amendments and details provided satisfactorily address the highways objections that were raised in connection with the original submission.

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

None

## **FINANCIAL BENEFITS**

None

## **HUMAN RIGHTS ACT**

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

## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application Files 17/0011 and 15/0046 which can be accessed via the link below:

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

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

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

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

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 12th January 2017.

Drawings numbered;  
161109-PLNG-12a  
161109-PLNG-13  
161109-PLNG-14  
161109-PLNG-15  
SY16-136-12-01 Rev B

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



3. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. 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 Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Prior to the development hereby approved being first brought into use the access/ egress works, car, motorcycle and cycle parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The premises approved as part of this application shall be used for a drive through coffee shop as described in the application and for no other purpose (including any other purpose within Class A1 and/or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended.

Reason: To enable the Local Planning Authorities to maintain control over potential alternative use(s) which may generate additional levels of traffic requiring further assessment in the interests of highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

#### **Advice Notes to Developer**

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