

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

Application Reference: 14/0608

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

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

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

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

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

CASE OFFICER

Gary Johnston

INTRODUCTION

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

SITE DESCRIPTION

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

DETAILS OF PROPOSAL

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

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

MAIN PLANNING ISSUES

The main planning issues are considered to be:

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

PUBLICITY AND REPRESENTATIONS

Press notices published : 25 September 2014 and 30 April 2015

Site notices displayed : 23 September 2014 and 30 April 2015

Neighbours notified : 15 September 2014

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

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

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

Paragraph 11 reiterates this requirement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Practice Guidance

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

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

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

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

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

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

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

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

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

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

between ground and upper floors composed of:

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

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

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

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

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

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;

and/or

- (ii) the use of and activity associated with the proposed development;

or by

- (iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

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

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

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

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

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

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

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

- convenient, safe and pleasant pedestrian access is provided
- appropriate provision exists or is made for cycle access
- effective alternative routes are provided where existing cycle routes or public footpaths are to be severed
- appropriate access and facilities for people with impaired mobility (including the visually and hearing impaired) are provided
- appropriate provision exists or is made for public transport
- safe and appropriate access to the road network is secured for all transport modes requiring access to the development
- 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
- appropriate levels of car, cycle and motorcycle parking, servicing and operational space are provided, in accordance with standards set out in Appendix B.

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

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

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

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

EMERGING PLANNING POLICY

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

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

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

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

EVIDENCE BASE TO THE BLACKPOOL LOCAL PLAN : CORE STRATEGY

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

Squires Gate Industrial Estate

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

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

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

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

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

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

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

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

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

it has and it opened in July 2014)

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

ASSESSMENT

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

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

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

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

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

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

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

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

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

Acceptability of retail development in this location

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

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

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

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

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

relationship to this retail park.

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

The Apollo site and adjacent car park, Talbot Road

The Devonshire Road Hospital site

Booths Car Park, Highfield Road

Booths store, Highfield Road

Industrial Units, Common Edge Road/ Stanmore Avenue

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

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

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

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

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

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

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

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

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

The acceptability of the design

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

Other Issues -

Amenity

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

CONCLUSION

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

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

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

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

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

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

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

ADDITIONAL DOCUMENTS

- Site Location Plan

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

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

Advice Notes to Developer

Not applicable