

# Blackpool Council

3 June 2022

To: Councillors Baker, G Coleman, Farrell, Kirkland, O'Hara, Owen, D Scott and Stansfield

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 14 June 2022 at 6.00 pm  
The Council Chamber, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

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

(1) the type of interest concerned either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

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

### **2 MINUTES OF THE MEETING HELD ON 22 MARCH 2022** (Pages 1 - 4)

To agree the minutes of the last meeting held on 22 March 2022 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 5 - 26)

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

**4 PLANNING ENFORCEMENT UPDATE REPORT - MARCH 2022** (Pages 27 - 30)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager, Public Protection in respect of the March 2022 update.

**5 PLANNING ENFORCEMENT UPDATE REPORT - APRIL 2022** (Pages 31 - 34)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager, Public Protection in respect of the April 2022 update.

**6 PLANNING APPLICATION 22/0037: ANCHORSHOLME SERVICE STATION, 332 FLEETWOOD ROAD, BLACKPOOL** (Pages 35 - 56)

To consider planning application 22/0037 for the erection of a single storey convenience store and provision of associated parking and landscaping following demolition of existing petrol station and convenience store.

**7 PLANNING APPLICATION: 22/0054: FORMER BAGULEYS GARDEN CENTRE, MIDGELAND ROAD, BLACKPOOL** (Pages 57 - 80)

To consider planning application 22/0054 for the erection of 5 detached bungalows for people of the age of 55, with associated garages, landscaping and utilising existing access from Midgeland Road (via Birchwood Gardens).

**8 DATE OF NEXT MEETING**

To note the date of the next meeting as 26 July 2022.

**Venue information:**

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

**Other information:**

For queries regarding this agenda please contact Jenni Cook, Democratic Governance Senior Adviser, Tel: (01253) 477212, e-mail [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

# Public Document Pack Agenda Item 2

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 22 MARCH 2022

### **Present:**

Councillor Owen (in the Chair)

Councillors

Baker	Kirkland	Robertson BEM
Farrell	O'Hara	Stansfield

### **In Attendance:**

Carl Carrington, Head of Planning, Quality and Control

Jenni Cook, Democratic Governance Senior Adviser

Ian Curtis, Legal Officer

Susan Parker, Head of Development Management

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2 MINUTES OF THE MEETING HELD ON 25 JANUARY 2022**

#### **Resolved:**

That the minutes of the Planning Committee held on 25 January 2022 be approved and signed by the Chair as a correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

The Planning Committee considered a report on planning enforcement appeals lodged since the last meeting. Five appeals had been lodged and three appeals determined. Of the three determined, one had been dismissed and the other two had been allowed.

Ms S Parker, Head of Development Management, informed the Committee that the Planning Inspector had allowed the appeal in respect of Bairstow Street for the use of the premises as six self-contained holiday flats. Although the Inspector had acknowledged that the proposal was a sui generis use and that the Council was entitled to apply its adopted residential standards, he gave weight to the quality of the internal fit-out amongst other considerations and accordingly granted planning permission. Ms Parker advised that while taking the decision into account, the Council would continue to maintain a firm line to exercise planning judgement as it saw fit.

#### **Resolved:**

To note the update.

#### **4 PLANNING ENFORCEMENT UPDATE REPORT**

The Planning Committee considered a report on enforcement activity in Blackpool from 1 February 2022 to 28 February 2022. During the period 32 new cases had been registered for investigation and as at 28 February 2022, there were 433 “live” complaints outstanding.

**Resolved:**

To note the update.

#### **5 PLANNING APPLICATION 21/0968: STANLEY BUILDINGS, CHURCH STREET, BLACKPOOL**

The Planning Committee considered application 21/0968 for the refurbishment of the existing building and external alterations to all elevations and windows, installation of replacement shop fronts, creation of courtyard at ground floor level, provision of new roof terrace at second floor level and use of premises as altered for office, cafe and retail uses following the demolition of various structures within the courtyard area at Stanley Buildings, Church Street, Blackpool.

Ms Susan Parker, Head of Development Management, outlined the report and provided a summary of the application and details of the proposal. The building was locally listed, fell within the Town Centre Conservation Area, and also fell within the setting of a number of statutorily and locally listed buildings. The building was currently used for retail and office space at ground floor level with retail, café and office space at first floor level along with some residential accommodation.

As part of the application, works to the building would comprise façade repairs/alterations, replacement of windows and the removal of canopies. Replacement of shop fronts would be done in a uniform manner to create a coherent frontage and a strong vertical emphasis, which would return the building back towards its original design.

Ms Parker noted that a significant amount of the original building fabric would be lost as a result of the scheme. This would include areas of faience tiling and some original windows. Although this loss would harm the heritage value of the asset, it would enable the repairs to take place, thus safeguarding the long-term future of the building. Any harm would be outweighed by the public benefits of the scheme which would include employment, retention of a heritage asset and visual improvements to the street scene.

In respect of consultation, no highways concerns had been raised, nor had the Council’s Conservation Officer raised any objections to the proposal and Blackpool Civic Trust had not offered any comment. However four of the existing retailers had objected to the scheme. Ms Parker noted that the benefits of inconsistent shopfronts were not accepted by the Planning Officer as the building was originally designed to be uniform and coherent. The central courtyard area would operate on a one-way basis to ensure that existing servicing is not compromised, which would also provide the benefit of improved access and refuse storage along with landscaping and seating.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 22 MARCH 2022

It was noted that the scheme would result in the loss of two dwellings but this did not weigh notably against the proposal as the Council was able to identify a five year housing land supply.

Ms Parker drew the Committee's attention to the Update Note and the amendments to two proposed conditions and stated that the proposal was expected to regenerate a prominent site within the town centre and would safeguard the future of a heritage asset. Members were recommended to grant planning permission subject to the conditions 1 to 9 listed in the officer report and the proposed amendments to conditions 4 and 5 as detailed Update Note.

Mr Alban Cassidy, agent for the applicant, spoke in support of the application and stated that the building was currently in poor condition, requiring remedial action to prevent any further deterioration. Although there would be some loss of the historical fabric of the building, the proposal would result in a more attractive and provide uniformity, closer to the building's original design. The principle of the development was considered to be appropriate and the building, once completed would encourage new businesses as part of a wider urban regeneration initiative. Improvements to the internal courtyard would result in better access for vehicles and no highways concerns had been raised. Although two flats would be lost as a result of the proposal, the Council was able to demonstrate an adequate housing land supply. Mr Cassidy stated that the proposal would significantly improve and enhance the 1930s art deco heritage asset and asked the Committee to grant planning permission.

The Committee discussed the application and noted that this was a significant site within Blackpool that had fallen into a poor state of repair.

In response to questions from the Committee, Mr Carl Carrington, Head of Planning, Quality and Control, clarified that changes made to the building over time had altered the uniformity of the building. The proposed application would not unduly compromise the historic pattern of the building and, on balance, the scheme was an improvement. The coat of arms on the faience tiling was not thought to have any historical significant but was merely in line with the pseudo-Egyptian style of the building.

**Resolved:**

That the application be approved subject to the conditions 1-9 in the committee report and the amended conditions 4 and 5 in the update note.

### **6 DATE OF NEXT MEETING**

**Resolved:**

To note the date of the next meeting as 10 May 2022.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 22 MARCH 2022

### Chairman

(The meeting ended at 6.20 pm)

Any queries regarding these minutes, please contact:

Jenni Cook Democratic Governance Senior Adviser

Tel: (01253) 477212

E-mail: [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	14 June 2022

## PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

### 1.0 Purpose of the report:

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

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

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

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

### 4.0 Other alternative options to be considered:

4.1 None, the report is for information only.

### 5.0 Council Priority:

5.1 The relevant Council priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

### 6.0 Planning Appeals Lodged

6.1.1 21/0474 – 57 CENTRAL DRIVE, BLACKPOOL, FY1 5DS - Erection of rear roof lift to form additional bedrooms, bathroom and storage.

An appeal has been lodged by Mr Asghar against the Council's refusal of Planning Permission.

- 6.1.2 21/0566 – 32 LYTHAM ROAD, BLACKPOOL, FY1 6DY - External alterations including provision of bike and bin store to rear and use of premises as altered as 3 self-contained permanent flats.

An appeal has been lodged by Mr Paul Williams against the Council's refusal of Planning Permission.

## **7.0 Planning/Enforcement Appeals Determined**

- 7.1 Appeal against planning enforcement notice ref. 19/8316 - Land and buildings at Squires Gate Industrial Estate – land levelling and use of land without planning permission as a contractors depot, storage for 67 wagons, parking, erection of a workshop, concrete batching and aggregate bays (Fox Brothers (Lancashire) Ltd.)

Appeal allowed

The appeal was made against an enforcement notice served against Fox Brothers on land at unit 14 Squires Gate Industrial Estate. The notice was against use of the land, without planning permission, as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays.

This development has been the subject of a significant degree of public objection. As part of the appeal, the Appellant offered restriction to a 3 year temporary permission. The concrete batching plant and aggregate bays and use of the crushing and screening plant were withdrawn from consideration. Operation of such has ceased.

The Inspector considered the key issues to be the impact on the living conditions of local residents, the contribution of the use to the economic objectives of the Enterprise Zone, and the impact on flood risk and water quality.

Subject to the imposition of conditions relating to hours of operation, and subject to the exclusion of operations relating to the concrete batching plant, aggregate bays, crushing and screening, the Inspector considered that the use as amended would not have an unacceptable impact on residential amenity. It is understood that complaints to the Council's Environmental Protection service have stopped following the cessation of these activities.

The Inspector reviewed the relevant Local Plan and Core Strategy policies, including the emerging policies in Part 2. He considered the use to be a *sui generis* use and concluded that such use was not supported by the Development Plan. However, he acknowledged that there has not been substantive interest in the use of the site for any of the uses permitted by the Development Plan, that the Appellant had offered to accept a temporary 3 year permission, and that the use employed around 100 people. He considered that allowing the use to continue for 3 years would enable to

Appellant to relocate without unacceptably compromising the character or function of the area or the ability of the Development Plan objectives to be realised.

With regard to flood risk and water quality, the Inspector acknowledged the site to be in flood zone 1 and accepted the submitted flood risk assessment. He considered that the exclusion of the crushing, screening, batching and storage elements to provide capacity for any greater attenuation that proves to be necessary and judged that potential risk to water quality from fuel and oil on site could be adequately managed through condition.

A suite of conditions has been imposed to ensure that the use does not compromise living conditions for nearby residents, ensures a quality of design, and protects land and water quality.

7.2 20-0038 Land adjacent to 433 Midgeland Road. Use of land as a mixed use for the keeping of horses and as a residential caravan site for 2 Gypsy families, including the stationing of 4 caravans, laying of hardstanding and erection of amenity buildings.

Appeal Allowed

The Inspector considered that occupiers of the site would have good access to services and facilities, in accordance with Policy CS16 of the Core Strategy and the National Planning Policy Framework paragraph 130 f). Whilst she considered that the development proposed would conflict with Policy CS26, the purpose of that policy is to safeguard the distinctive character of Marton Moss. She concluded that the rural character of the site and the contribution it makes to the character and appearance of the area would not be harmed, and the character and appearance of the Conservation Area would be preserved. She acknowledged that there were other gypsy and travellers sites along Midgeland Road, but considered these to be discretely located and the provision of the 2 additional pitches would not individually or cumulatively harm the distinct character of Marton Moss. As such, she felt that the proposal accorded with the character and appearance aims of Policy CS16, which requires traveller sites to cause no demonstrable harm to the quality, character and appearance of the landscape and to be well designed and landscaped.

She concluded that whilst there would be conflict with Policy CS26 because the caravans and amenity buildings do not fall within any of the exceptions within this policy, there would be no conflict with its purpose of seeking to control development in the area so that its distinctive character is safeguarded. The appeal site would provide a good living environment for its residents including access to services and facilities and is suitably located for the proposed development in accordance with Policy CS16.

On other issues, she noted the concern raised that the proposal may undermine the neighbourhood planning process, however she found no evidence to substantiate this matter. She acknowledged that there were tensions within the development

plan in respect of this scheme, however for the reasons given she found that the proposal accords with the development plan taken as a whole. The Inspector imposed a suite of 14 conditions in order to ensure that the development restricted the occupancy to gypsy and travellers, prevent commercial activity and protect the character and appearance of the locality.

7.3 21/0790 – Fylde Coast Radio Studios, Starr Gate, Blackpool, FY4 1RU – Display of 1 double sided internally illuminated digital LED advertising unit

Appeal Dismissed

The Inspector considered that whilst the area is in mixed use, its overall character is derived from a strong sense of openness and spaciousness with flat topography and expansive views. Additionally, whilst there is considerable tram-related infrastructure in the area such as poles and electric cables and public signage information, there is a noticeable lack of general advertising and signage.

In light of the above, the Inspector found that the scale and height of the proposed advertisement combined with its prominent location would present a visually intrusive, unduly dominant feature, and the impact would be intensified as a result of the incongruous appearance of a large and prominent advertisement in a location where no such features exist.

Furthermore, it was considered that whereas the infrastructure associated with the tramline appears regular and rhythmical with the similar design and spacing of poles, the advertisement would appear as an awkward one-off structure that would fail to integrate with, or positively relate to, the surrounding area.

7.4 21-0740 115 Promenade. Display of a gable mounted 6.4m x 3.4m digital LED screen.

Appeal Dismissed

The Inspector observed that, whilst there is a plethora of advertisements in this and the wider area, large-scale advertisements, particularly those with LED screens, tend to appear to form part of the large-scale leisure assets where they are located. The Inspector also observed a number of digital information screens which, whilst prominent, are clearly for public benefit – for example, providing directions to car parks and public information messages – rather than for general advertising. The Inspector considered that the proposed signs scale, prominence and visually intrusive appearance would add significantly to the existing commercial clutter in the immediate area. The Inspector also considered that the screen would fail to respond to and would appear to jar with the appeal property's architectural features and would simply appear as a very large prominent advertisement imposed onto the property north facing gable.

In light of the above, the Inspector stated that as such, the advertisement would

draw the eye, during day and night, as an unduly dominant feature on a highly prominent building. Further, he found that, as a large and prominent LED screen, not directly associated with an immediate large scale leisure asset, it would appear as an incongruous and visually intrusive addition.

7.5 21/0567 – 1 Cumberland Avenue, Blackpool, FY1 5QL – Erection of first floor rear extension and use of premises as altered as 4 self-contained permanent flats

Appeal Dismissed

The Inspector observed that the flat-roofed section of the rear extension would not reflect the architectural quality of the host building and noted that the Council's design policies do not require development to be publicly visible to be considered harmful to the character and appearance of a host building or wider area. The Inspector acknowledged that the appellant offered to erect a pitched roof, however no plans were submitted for consideration.

The Inspector agreed that the appearance of the rest of the extension was considered acceptable, however also agreed that it is evident that the first floor extension would have implications for the nearby trees on the site and that the landscaping plans did not accurately reflect the site. No information regarding the protection of these trees, mitigation measures, or replacement planting were submitted, therefore it was concluded that the scheme would be harmful to the character and appearance of the area.

The Inspector acknowledged that planning permission for three flats at the site was previously approved with Flat 1 being 5 square metres under the minimum floor space standards, though this was considered acceptable when balanced with the other flats which significantly exceeded the minimum standards. The inspector found that even though the new scheme would result in flats which are not as big, they would still exceed the floor space standards to a smaller extent and therefore the Inspector found no reason not to apply the same analysis as the previous case and consider the scheme generally compliant with the Technical Standards. It was considered that the retained and proposed extensions would not result in overdevelopment of the site as they would not take up an unacceptable amount of external amenity space. Whilst the scheme does conflict with Policy HN5 which sets out that conversions in the Defined Inner Area including extensions will not be supported, it was found that the proposal aligns with the more proportionate aims of Policy CS13 which balances the impact of density with the specific characteristics of the site.

7.6 21/0466 – 30 Anchorsholme Lane East, Blackpool, FY5 3QL - Erection of detached bungalow with associated parking and landscaping works following demolition of outbuildings (resubmission of application 20/0769)

Appeal Dismissed

The Inspector agreed that the scheme would introduce a new noise-sensitive development close to the existing commercial premises within a Local Centre which under Permitted Development rights could change to any use within Use Class E. No evidence has been given to demonstrate how potential noise disturbance could be reasonable mitigated and the inspector found that it would be unreasonable to place restrictions on the use of the existing commercial premises, as this would be contrary to the agent of change principle and would stifle the ability of the commercial unit to changing market forces and local needs, undermining the function of the Local Centre. The Inspector also acknowledged that the development would remove land serving the existing commercial premises which would restrict development of the existing premises and also remove the facility for parking and increase demand for on-street parking.

It was found that the siting of the dwelling in a backland location with pedestrian access along the driveway alongside a commercial premises would not be particularly welcoming for future occupants. Due to the constraints of the site the dwelling would suffer from a limited outlook and claustrophobic living conditions for the occupants. The dwelling would also suffer from significant overlooking from the existing surrounding properties and the Inspector agreed that landscaping would not provide sufficient protection and would only further enclose the site.

The Inspector found that whilst the development would not be readily visible from the street and the building would not be dissimilar to existing outbuildings, the erection of a single-storey dwelling with the appearance proposed would not reflect the prevalent scale, pattern, or form of surrounding development. The Inspector set out that the lack of public views of the site and the presence of existing development that does not contribute positively to the area does not justify permitting development which does not take into account the context of the site.

7.7 21/0661 - Land to the rear of 199-201 Common Edge Road, Blackpool, FY4 5DJ – erection of detached dwelling with balcony at first floor and integral garage with associated access and landscaping.

Appeal dismissed

The Inspector considered the key issues to be the impact of the development upon the living conditions of neighbouring residents, particularly with regard to outlook.

It was noted that planning permission had previously been granted for a dormer bungalow thereby establishing the principle of residential development. The revised

proposal would deliver a simpler and more compact footprint but with an appreciably larger upper floor, despite a marginal increase in overall roof height. The northernmost-section would include a balcony and have a greater presence than the previously approved scheme. The intervening trees were noted as deciduous meaning they would not provide year-round screening. The Inspector judged that the proximity and scale of the balcony would have an over-bearing impact upon the occupants of number 44 Oakwood Close and no. 199 Common Edge Road.

To the east, the dwelling would have an overly imposing impact on number 201 Common Edge Road and this presence would be exacerbated by light spill. The Inspector acknowledged that the removal of the window would overcome this but would not address the over dominance of the neighbour. The proposal was also considered to have greater impact on outlook from no. 42 Oakwood Close by virtue of proximity, and an intrusive and over-dominant impact on no. 44 Oakwood Close as a result of its relative position.

Overall, the Inspector concluded that the proposal would have an unacceptable impact upon the living conditions of the occupiers of nos. 201 Common Edge Road and numbers 42 and 44 Oakwood Close, with no other material considerations weighing sufficiently in favour to justify the grant of planning permission.

The Planning Inspectorate decision letters can be viewed online at <https://idoxpa.blackpool.gov.uk/online-applications/>. An exception is the appeal decision in relation to enforcement appeal ref. 19/8316 as this relates to an enforcement case rather than a refusal of planning permission. As such this decision is attached at Appendix 3(a).

7.8 Does the information submitted include any exempt information? No

## **8.0 List of Appendices**

8.1 Appendix 3(a): Enforcement Appeal Letter for 19/8316.

## **9.0 Financial considerations:**

9.1 None.

## **10.0 Legal considerations:**

10.1 None.

## **11.0 Risk Management considerations:**

11.1 None.

## **12.0 Equalities considerations:**

12.1 None.

**13.0 Sustainability, climate change and environmental considerations:**

13.1 None.

**14.0 Internal/ External Consultation undertaken:**

14.1 None

**15.0 Background papers:**

15.1 None



---

# Appeal Decision

Hearing held on 8 March 2022

Site visit made on 10 March 2022

**by Mark Harbottle BSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 April 2022**

---

**Appeal Ref: APP/J2373/C/21/3280348**

**Land and buildings known as Unit 14 of the Squires Gate Industrial Estate, Squires Gate Lane, Blackpool FY4 3RN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr John Flood, Fox Brothers (Lancashire) Ltd against an enforcement notice issued by Blackpool Borough Council.
- The notice, numbered 19/8316, was issued on 28 June 2021.
- The breach of planning control as alleged in the notice is, without planning permission, the use of land as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays.
- The requirements of the notice are: (1) Cease the use of the land as a contractor's depot; (2) Cease the use of the land for vehicle storage in connection with Fox Brothers; (3) Remove all buildings on site in their entirety; and (4) Remove the concrete batching plant in its entirety including the silos, bunding and aggregate bays.
- The period for compliance with the requirements is: 3 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

**Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.**

---

## Preliminary matters

1. The appellant does not seek planning permission for the erection of the concrete batching plant and the aggregate bays in the appeal on ground (a) and does not wish to use crushing and screening plant on the site. For ease of reference, I shall describe the part of the breach of planning control which he seeks planning permission for, namely the use of land as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking and the erection of the workshop, as the requested deemed planning application (the RDPA).
2. The emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (the SADMP) underwent Examination in Public in December 2021. At that time, the Council considered little weight could be attached to SADMP policies, but it suggested in the Hearing that greater weight should now be afforded. While I have considered the relevant policies, including those referred to by the appellant, I am mindful that the plan has yet to be found sound and therefore its policies cannot be afforded full weight.

### **The appeal on ground (b)**

3. Appeals on this ground must relate to matters of fact and may succeed if the breach of planning control alleged in the notice has not occurred or has been incorrectly described.
4. The appellant contends the notice is incorrect in referring to the concrete crushing plant, which ceased operating before the notice was issued. However, there is no such reference in section 3 of the notice, where the alleged breach of planning control is set out.
5. Accordingly, it has not been shown that the breach of planning control, as described in the notice, had not occurred as a matter of fact when the notice was issued. Consequently, the appeal on ground (b) must fail.

### **The appeal on ground (a)**

6. The main issues in this ground of appeal are:
  - The effect of the use on the living conditions of local residents and on nearby commercial premises, particularly in terms of air quality and noise.
  - The contribution of the use to the economic objective of sustainable development and consistency with development plan policies relating to economic development and employment and the Blackpool Airport Enterprise Zone.
  - The effects on flood risk and water quality.

### **Reasons**

#### *Living conditions and commercial premises*

7. Nearby residents have experienced significant noise arising from activity on the site, along with airborne dust and sand carried on the prevailing winds. The appellant recognised this in the decision to cease using the crushing, screening, and batching plant and to wind down aggregate storage, all of which are excluded from the RDPA. While reference was also made to diggers working on the eastern and southern boundaries, that was part of the operation to form the bunds on those boundaries rather than the use of the land.
8. There is a residual risk of noise and dust from wagon movements on the site. However, this would be kept within acceptable limits if those movements did not occur on the unsurfaced eastern area closest to the nearest housing.
9. It was indicated that adjacent commercial premises have experienced similar effects in terms of dust, sand, and noise but no representation from any business occupier was presented. Nevertheless, the reduced scope of activity of the RDPA would have a significantly lesser effect.
10. Noise from vehicle movements has been a matter of concern, particularly when HGVs leave the site early in the morning, and through their use of a poorly surfaced road within the Industrial Estate leading to Squires Gate Lane. This may also arise from other transport operations in the Industrial Estate, which use the same road. However, a proportion of the appellant's fleet leaves the site before 0600 and therefore has the potential to cause significant noise outside of normal working hours.

11. The operation of the concrete batching plant, the aggregate bays and the crushing and screening plant gave rise to significant dust, sand and noise that adversely and unacceptably affected the amenity of nearby residents. However, if those operations were excluded, and the plant associated with them removed, and if early morning movements of HGVs were controlled, the use would have a reduced effect on the amenity of residential occupiers. It would then accord with policy BH3 of the Blackpool Local Plan 2001-2016 (the BLP), policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (the CS) and Part 12 of the National Planning Policy Framework (the Framework).

*Economic development and employment*

12. While it was suggested the contractor's depot could be viewed as a general industrial use, the only industrial process apparent from the description of the breach of planning control is concrete batching. That, and the crushing, screening and bagging operations, might reasonably be described as industrial processes. Furthermore, vehicle repair and maintenance may, of itself, be an industrial process. However, the evidence indicates that all of these are or were ancillary to the operation of a fleet of vehicles from the site, which is the primary element of the use. While it was suggested the use could fall within Use Class B8, storage or distribution, the RDPA does not include the storage of any goods or materials at the site, or their distribution from it.
13. Consequently, the use to be assessed against relevant development plan policies, is *sui generis*. It does, however, provide jobs for approximately 100 people and it should therefore be considered as a form of employment development.
14. Under policy DE1 of the BLP, proposals for offices, research and development, light and general industry, and warehousing will be permitted at the Squires Gate Industrial Estate. Those uses are within Classes B1, B2 and B8, collectively known as Class B uses, of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the Order). Policy DE2 of the BLP indicates that the Industrial Estate has potential for major redevelopment and enhancement as part of an expanded business park. While policy CS3 of the CS supports economic development throughout the Borough, policy CS24 is specific to South Blackpool, including the appeal site. It supports the redevelopment of employment sites to provide high quality modern business/ industrial facilities comprising Class B uses. These policies do not provide support for any *sui generis* use of the appeal site.
15. The Blackpool Airport Enterprise Zone (the EZ) was established shortly after the CS was adopted and includes the appeal site. While the EZ Masterplan is not adopted planning policy, it and policy DM8 of the emerging SADMP are indicators of the Council's strategy for economic development and employment in the area. The EZ Masterplan identifies target sectors for new employment development<sup>1</sup> that do not include a contractor's depot, but it also states that other sectors will be considered on their individual merits. Emerging policy DM8 identifies similar target sectors and indicates that other uses<sup>2</sup>, excluding *sui generis* uses, will be considered if they promote job creation and industry diversification and do not compromise the development of the target sectors.

---

<sup>1</sup> Energy, advanced manufacturing and engineering, food and drink manufacturing, digital and creative, aviation, and back office administration

<sup>2</sup> Use Classes B2, B8 and E(g) of the Order

16. It was suggested, having regard to *Gladman Developments Ltd. v Canterbury City Council*<sup>3</sup>, that the adopted policies have a corollary negative approach to other forms of employment development in South Blackpool. That case concerned conformity with a suite of development plan policies comprising a spatial strategy for where new housing should and should not be built. In contrast, the adopted and emerging development plan policies do not include an objective to restrain employment development in what might be considered less appropriate or less sustainable locations in the Borough. However, Blackpool has limited opportunities for further employment expansion and those sites that are promoted by the development plan for Class B uses, including high quality modern business/industrial facilities in South Blackpool, should not be permitted to be used for other purposes without good reason.
17. Emerging policy DM8 has a similar approach to policy CS24, prioritising the promotion of land in South Blackpool, including the appeal site, for the target sectors mentioned earlier. This comprehensive approach to meeting the Borough's future economic and employment needs would be compromised by permitting non-conforming business development. The exclusion of the main sources of noise and airborne dust and sand from the RDPA mean it would be less likely to adversely affect nearby sensitive employment uses. Nevertheless, it still does not accord with the adopted development plan's priority for Class B uses in South Blackpool.
18. There is, however, little evidence to suggest that any proposal for the major redevelopment envisaged by adopted and emerging development plan policies and the EZ Masterplan will come forward in the near future. Part of the appeal site had been marked 'available soon' on the EZ web site as of January 2020 but the Council acknowledged that statement was out of date. Other than the current owner's purchase of the freehold, no further progress was reported.
19. The EZ Manager had referred to past negotiations for a food manufacturing plant adjoining the appeal site but only limited details of those negotiations, with 2 potential operators, were provided. I was told an initial scheme had been drawn up, but no further information was available. Interest in data centre operations had been mentioned in the same comments, and it was confirmed that 7 confidential enquiries had been made, with one leading to negotiation. However, I was not told where those sites were or what progress had been made in negotiation. The EZ Manager had also referred to development then underway, apparently now complete, for a carbon fibre moulding manufacturing facility to the southwest of the appeal site. However, the concerns in all these matters had only been expressed in respect of the use of the crushing and screening plant that are excluded from the RDPA.
20. The use, either as described in the breach of planning control or as proposed in the RDPA, does not conform with adopted and emerging policies for economic development specific to South Blackpool, the Industrial Estate, and the site. It could therefore compromise the development plan's strategy for realisation of high quality modern business/industrial facilities. However, it has not been shown that it would compromise or be harmful to the development plan's aims in the short to medium term. Nor has it been shown that proposals for major employment redevelopment, which might be prejudiced by the continuation of the use, are likely to be forthcoming in the foreseeable future.

---

<sup>3</sup> Gladman Developments Ltd. v Canterbury City Council [2019] EWCA Civ 669

21. This is relevant because the appellant seeks planning permission for a limited 3-year period. That period would allow him more time to find suitable alternative premises and so afford greater security for the jobs currently provided, which contribute to the local economy. On this basis, the continuation of the contractor's depot, without the concrete batching plant and aggregate storage and without crushing and screening operations, would cause no appreciable harm in economic development and employment terms. It is therefore acceptable as an exception to policy for the proposed 3-year period.

*Flood risk and water quality*

22. While the site is within Flood Zone 1, the area with the lowest risk of flooding, the use should not increase flood risk elsewhere. Land drainage runs south from the site, leading to Division Lane, and the most significant concern is in terms of surface water runoff.
23. The appellant's flood risk assessment (FRA) indicates that a combination of swales and over-sized pipes can manage and reduce surface water runoff at peak times. While the Council queries the estimated existing runoff and indicates that the Lead Local Flood Authority would like there to be no runoff, it does not identify any increase arising from the development. Nevertheless, if greater attenuation were found to be necessary, the exclusion of crushing, screening, batching and aggregate storage would provide greater capacity for on-site measures.
24. With the exclusion of the concrete batching plant, the FRA identifies the remaining potential source of contaminated water to be the fuel facility and oil from parked vehicles. Measures to manage these are identified.
25. Accordingly, and subject to approval of necessary details, it would be possible to incorporate appropriate sustainable drainage systems, reduce areas of existing impermeable surfaces, and not cause or increase pollution of water or a deterioration in water quality. The use would thereby accord with BLP policy BH4, CS policy CS9 and Part 14 of the Framework.

*Conditions*

26. The RDPA differs from the description of the breach of planning control and permission is sought for a limited period of 3 years. Condition 1 is therefore necessary to limit the scope of the permission to safeguard the living conditions of nearby residential occupiers. Condition 2 is necessary to limit the duration of the permission, so that the major employment redevelopment promoted by adopted and emerging development plan policies and the EZ Masterplan is not compromised, and to ensure the land is restored satisfactorily afterwards.
27. Conditions 3, 4, 5 and 6 are necessary to safeguard the living conditions of nearby residential occupiers in terms of noise, dust and light pollution. Condition 6 is also necessary to ensure that adequate parking provision is available to meet the needs of the use.
28. Conditions 7 and 8 are necessary to ensure a quality of design that enhances the character and appearance of the local area.
29. Conditions 9 and 10 are necessary to prevent land and water contamination resulting from the use, while conditions 11 and 12 are necessary to ensure the site is properly drained.

## Conclusion

30. For the reasons given, the crushing, screening, batching and bagging operations and aggregate storage have had an unacceptable effect on living conditions by reason of airborne sand and dust and noise. Early morning HGV movements may also cause unacceptable harm to living conditions by reason of noise. This is contrary to policy BH3 of the BLP, policy CS7 of the CS and Part 12 of the Framework.
31. However, and subject to the conditions described above, the use excluding crushing, screening, batching, bagging and aggregate storage, is acceptable in terms of living conditions, the effect on adjacent commercial premises, flood risk and water quality.
32. The *sui generis* nature of the use means it does not accord with adopted and emerging policies on economic development and employment. However, any compromising of the objectives of those policies, or of major redevelopment schemes they seek to encourage, would be minimal in the short to medium term. Therefore, and exceptionally, the use is acceptable in this regard, for the reasons given, for the proposed limited period of 3 years.
33. The appeal should therefore succeed insofar as it relates to the use of land as a contractor's depot comprising land levelling, vehicle storage for up to 67 wagons, staff and customer parking and erection of the workshop but excluding the erection and operation of the concrete batching plant and the aggregate bays. I shall grant planning permission accordingly, subject to conditions, for a limited period of 3 years. In these circumstances, the appeals on grounds (f) and (g) do not need to be considered.

## Formal Decision

34. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the use of land as a contractor's depot incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking and erection of workshop on land and buildings known as Unit 14 of the Squires Gate Industrial Estate, Squires Gate Lane, Blackpool FY4 3RN as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

*Mark Harbottle*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

John Flood BSc (Hons), Director, Fox Brothers (Lancashire) Ltd.  
Graham Parry FIOA, Managing Director, ACCON UK Ltd.  
Kirsten de Savary BSc (Hons) C.WEM CEnv, Managing Director, Amber Planning  
Graham Thorpe BA (Hons) Dip TP MRTPI, Associate, PWA Planning

### FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of counsel  
Keith Allen BEng MSc CEng MICE MCMI, Development Control Officer (Highways),  
Blackpool Borough Council  
Pippa Greenway BSc (Hons) Dip EP MRTPI, Senior Planner, Blackpool Borough  
Council  
Nicola Todd BA Hons Town & Country Planning MSC Environmental Health, Senior  
Environmental Protection Officer, Blackpool Borough Council  
Greg Walker, Planning Enforcement Officer, Blackpool Borough Council

### INTERESTED PARTIES:

Councillor Graham Baker, Ward Councillor  
Ian Tracey, local resident

### **Schedule of Conditions**

- 1) The use hereby permitted is the use of land as a contractor's depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking and the erection of a workshop. It does not include:
  - i) The erection of aggregate bays or the storage of aggregates, including sand, topsoil and gravel.
  - ii) The erection or operation of a concrete batching plant, or the crushing, screening, bagging or batching of any material or the operation of any plant or machinery for or in association with those activities.
  - iii) The erection of any building or structure other than the workshop.
- 2) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of that period the use shall be discontinued and the land restored in accordance with a scheme of work, including a timetable for implementation, that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 3) Any crushing, screening, batching or bagging operation shall cease immediately, and all plant, equipment and materials brought onto the land for the purposes of any such operation shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:
  - i) Within 6 weeks of the date of this decision a noise survey shall have been submitted for the written approval of the Local Planning Authority. If the noise survey identifies a need for mitigation, a scheme for the provision of noise attenuation to ensure that the following cumulative noise levels are not exceeded shall be submitted to and approved in writing by the Local Planning Authority:
    - a) 35dB LAeq (16hr) from 0700 to 2300 within living rooms.
    - b) 30dB LAeq (8hr) from 2300 to 0700 within bedrooms.
    - c) 45dB LAFmax from 2300 to 0700 for single sound events within bedrooms.
    - d) 55dB LAeq (16hr) from 0700 to 2300 for outdoor living areas.
    - e) The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Within 6 weeks of receiving the written approval of the Local Planning Authority, the noise attenuation scheme approved shall be implemented in full and in full accordance with the approved details.
  - ii) If within 5 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.

- v) Upon implementation of the approved noise attenuation scheme specified in this condition, that scheme shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:

- i) Within 3 months of the date of this decision a dust management plan shall have been submitted for the written approval of the Local Planning Authority. The plan shall include:
  - a) Identification of all fugitive dust sources at the site.
  - b) Details of the dust mitigation measures to be employed.
  - c) Details of all dust suppression measures.
  - d) Methods to monitor emissions of dust arising from the permitted use.

These approved measures and methods shall then be provided in full and in full accordance with the approved details within 3 months of being approved and the site shall be operated in accordance with the approved dust management plan thereafter.

- ii) If within 6 months of the date of this decision the Local Planning Authority refuses to approve the plan or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
- v) Upon implementation of the approved dust management plan specified in this condition, that scheme shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) There shall be no HCV/HGV access to or egress from the site outside of the hours of 0600 to 1900 Monday to Friday and 0600 to 1300 on Saturdays. All external lighting shall be switched off outside these hours. There shall be no access to or egress from the site and the use hereby permitted shall not take place on Sundays or Public Holidays.
- 6) Within 2 months of the date of this permission, the parking and manoeuvring areas shown on drawing FB/04694/004 Rev C shall be provided and shall thereafter be retained as such. No wagons shall be stored, and there shall be

no HCV/HGV access to, the area to the east of the parking spaces numbered 1 to 26 on that drawing, also hatched on the Plan attached to this Decision.

- 7) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 14 days of the date of failure to meet any one of the requirements set out in i) to v) below:
- i) Within 6 weeks of the date of this decision a scheme for the provision of boundary treatments to include their position, height, materials and design, shall have been submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation.
  - ii) If within 4 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
  - v) Upon implementation of the approved boundary treatment scheme specified in this condition, that scheme shall thereafter be retained and maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 8) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:
- i) Within 3 months of the date of this decision a landscaping scheme shall have been submitted for the written approval of the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities, and shall include a timetable for its implementation.
  - ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.

- v) Upon implementation of the approved landscaping scheme specified in this condition, that scheme shall thereafter be retained and managed in accordance with the approved details. Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 3 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and approved in writing by the Local Planning Authority.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 9) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within 4 months of the date of this decision:
    - a) A methodology for a phase 2 geo-technical site investigation into potential land contamination, as identified in the draft Phase 1 Desk Study report (ref. 20-01-03 Revision 1, dated September 2020, Demeter Environmental Ltd.), shall have been submitted for the written approval of the Local Planning Authority.
    - b) The phase 2 investigation approved pursuant to a) shall be carried out in full and the results of this investigation shall be submitted for the written approval of the Local Planning Authority.
    - c) Any scheme of remediation shown to be required by the investigation undertaken pursuant to b) shall have been submitted for the written approval of the Local Planning Authority.
    - d) The remediation approved pursuant to c) shall be carried out in full and a validation report confirming the works shall be submitted for the written approval of the Local Planning Authority.
  - ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the submitted material or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted material shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved details.
  - v) Upon implementation of any scheme specified in this condition, that scheme shall thereafter remain in use as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 10) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:
- i) Within 10 weeks of the date of this decision a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted shall have been submitted for the written approval of the Local Planning Authority. This strategy shall include the following components:
    - a) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
    - b) A site investigation scheme, based on a), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
    - c) The results of the site investigation and the detailed risk assessment referred to in b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
    - d) A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
    - e) A timetable for the implementation of any remediation strategy.
  - ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
  - v) Upon implementation of the approved remediation strategy in this condition, that scheme shall thereafter be retained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 11) Foul and surface water shall be drained on separate systems.
- 12) The use hereby permitted shall cease immediately and all vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 7 days of the date of failure to meet any one of the requirements set out in i) to v) below:

- i) Within 3 months of the date of this decision a sustainable drainage management and maintenance scheme for the 3-year lifetime of the development shall have been submitted for the written approval of the Local Planning Authority. The sustainable drainage management and maintenance scheme shall include as a minimum:
  - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or for management and maintenance by another body.
  - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
  - c) A timetable for its implementation.

The development shall subsequently be completed in full accordance with the approved scheme.

- ii) If within 10 months of the date of this decision the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out in full and completed in full accordance with the approved timetable.
- v) Upon implementation of the approved scheme, it shall thereafter be maintained and managed as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

## Plan

This is the plan referred to in condition 6):



<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan (Service Manager, Public Protection)
<b>Date of Meeting:</b>	14 June 2022

## PLANNING ENFORCEMENT UPDATE

### 1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool, between 1 March 2022 and 31 March 2022.

### 2.0 Recommendation(s):

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

### 3.0 Reasons for recommendation(s):

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

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

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

### 4.0 Other alternative options to be considered:

4.1 Not applicable.

### 5.0 Council priority:

5.1 The relevant Council priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

## 6.0 Background information

### 6.1 Cases

#### New Cases

In total, 56 new cases were registered for investigation in March 2022.

As at 31 March 2022, there were 439 “live” complaints outstanding.

#### Resolved cases

In total, 8 cases were resolved by negotiation without recourse to formal action.

#### Closed cases

In total, 40 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

#### Formal enforcement notices / s215 notices

- No enforcement notices were authorised in March 2022;
- No s215 notices were authorised in March 2022;
- One Breach of Condition notice was authorised in March 2022;
- No enforcement notices were issued in March 2022;
- No s215 notices were issued in March 2022;
- One Community Protection Notice was issued in March 2022.

#### Notices authorised

<b>Ref</b>	<b>Address</b>	<b>Case</b>	<b>Dates</b>
20/832 1	Land known as land on the south-east side of 105 Hornby Road (FY1 4QP)	Condition 2 attached to planning permission 14/0718 has not been complied with: the planning permission granted by the Council on 14 January 2015, application number 14/0718 for retention of existing car park, including erection of height restricting entrance barrier	Breach of Condition Notice authorised 31/03/2022

		and installation of five lighting and CCTV columns: <i>“the car park access/egress gates....shall remain locked shut between 11 pm and 8am, other than for supervised access.”</i>	
--	--	--	--

**Notices issued**

<b>Ref</b>	<b>Address</b>	<b>Case</b>	<b>Dates</b>
21/829 8	6 St. Stephens Avenue (FY2 9RG)	Poor condition of property – storage of a number of disused and partly disassembled motor vehicles	Community Protection Notice issued 24/03/2022. Compliance due 24/04 /2022

6.2 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan (Service Manager, Public Protection)
<b>Date of Meeting:</b>	14 June 2022

## PLANNING ENFORCEMENT UPDATE REPORT – APRIL 2022

### 1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool, between 1 April 2022 and 30 April 2022.

### 2.0 Recommendation(s):

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

### 3.0 Reasons for recommendation(s):

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

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

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

### 4.0 Other alternative options to be considered:

4.1 Not applicable.

### 5.0 Council priority:

5.1 The relevant Council priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

## 6.0 Background information

### 6.1 Cases

#### New Cases

In total, 54 new cases were registered for investigation in April 2022.

As at 30 April 2022, there were 442 “live” complaints outstanding.

#### Resolved cases

In total, 6 cases were resolved by negotiation without recourse to formal action.

#### Closed cases

In total, 44 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

#### Formal enforcement notices / s215 notices

- No enforcement notices were authorised in April 2022;
- One s215 notice was authorised in April 2022;
- No Breach of Condition notices were authorised in April 2022;
- No enforcement notices were issued in April 2022;
- No s215 notices were issued in April 2022;
- One Breach of Condition notice was issued in April 2022.

#### Notices authorised

<b>Ref</b>	<b>Address</b>	<b>Case</b>	<b>Dates</b>
20/831 6	60 Foxhall Road (FY1 5BW)	Poor condition of property	S215 Notice authorised 19/04/2022

**Notices issued**

<b>Ref</b>	<b>Address</b>	<b>Case</b>	<b>Dates</b>
20/832 1	Land known as land on the south-east side of 105 Hornby Road (FY1 4QP)	Condition 2 attached to planning permission 14/0718 has not been complied with: the planning permission granted by the Council on 14 January 2015, application number 14/0718 for retention of existing car park, including erection of height restricting entrance barrier and installation of five lighting and CCTV columns: <i>"the car park access/egress gates....shall remain locked shut between 11 pm and 8am, other than for supervised access."</i>	BCN issued 08/04/2022. Compliance due 10/05 /2022

6.2 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

**Blackpool Council  
Development Management**

---

**Officer Report to Committee**

---

<b>Application ref:</b>	22/0037
<b>Ward:</b>	ANCHORSHOLME
<b>Application type:</b>	FULL
<b>Location:</b>	ANCHORSHOLME SERVICE STATION, 332 FLEETWOOD ROAD, BLACKPOOL, FY5 1LZ
<b>Proposal:</b>	Erection of a single storey convenience store and provision of associated parking and landscaping following demolition of existing petrol station and convenience store.
<b>Recommendation:</b>	Refuse
<b>Case officer:</b>	Bethany Thornton
<b>Case officer contact:</b>	01253 476312
<b>Meeting date:</b>	14 June 2022

**1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application would provide new economic development but would nevertheless conflict with these priorities by permitting retail development outside the designated centres without reasonable justification, which would undermine the retail hierarchy of established centres across the borough. It would also permit development within Flood Zone 3 without adequate justification which would conflict with the Council’s efforts to manage impacts of flooding and increase the resilience of development by reducing flood risk. On this basis, Members are respectfully recommended to refuse the application.

**2.0 SUMMARY OF RECOMMENDATION**

- 2.1 The application proposes the creation of a retail unit in the form of a convenience store outside of the designated town, district, or local centres. The developer has failed to demonstrate compliance with the sequential test or provide sufficient justification as to why the development should be permitted despite not complying with the sequential test. Similarly, the scheme proposes development within Flood Zone 3, which should be subject to the sequential test, however again the developer has failed to demonstrate compliance with the sequential test or provide sufficient justification as to why the development should be permitted despite the not complying with the sequential test.

### **3.0 INTRODUCTION**

3.1 This application is before Members because it is of general public interest.

### **4.0 SITE DESCRIPTION**

4.1 The existing site contains a petrol station consisting of petrol pumps beneath a canopy with an ancillary store and a small car wash structure, beyond which is unused land occupied by greenery. The site is on the corner between Fleetwood Road and Anchorsholme Lane West and has vehicle access from both roads. To the north of the site is a Lidl store, to the east are tramlines with residential dwellings and commercial premises within the Anchorsholme Lane Local Centre beyond, and sharing a boundary with the site to the south and west are residential dwellings.

4.2 The site falls within Flood Zone 3 and is just outside the Anchorsholme Lane Local Centre. It is not subject to any other specific designations or constraints.

### **5.0 DETAILS OF PROPOSAL**

5.1 Demolition of existing petrol station pumps and ancillary store and erection of a single-storey convenience store and associated parking and access.

5.2 The application has been supported by:

- Design and Access Statement
- Flood Risk Assessment
- Drainage Reports and Strategy
- Habitat Survey
- Highways and Transportation Technical Note
- Underground Survey
- Retail Sequential Assessment
- Flood Risk Sequential Assessment

### **6.0 RELEVANT PLANNING HISTORY**

6.1 **94/0639** – Installation of automatic telling machine to sales building – Granted.

6.2 **93/1078** – Erection of petrol filling station comprising of sales kiosk, canopy, petrol islands, underground fuel storage tanks, automatic car wash, tank room and amendment to vehicle crossing – Granted.

6.3 **93/0799** – Erection of petrol filling station comprising of sales kiosk, canopy, four petrol islands, underground fuel storage tanks, automatic car wash, tank room and amendment to vehicle crossing – Refused.

6.4 **89/0583** – Erection of extension to sales kiosk and alterations to existing accesses – Granted.

6.5 **88/1410** – Installation of new shop front and erection of new car wash – Granted.

6.6 **85/1543** – Installation of two new petrol storage tanks for use in existing service station – Granted.

6.7 **82/0978** – Erection of two new blender pumps – Granted.

6.8 **81/1349** – Construction of internal alterations and erection of entrance porch new vehicular opening and new canopy – Granted.

6.9 **78/2149** – Erection of 1000-gallon kerosene tank – Granted.

## 7.0 **MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- Principle of Development
- Drainage
- Highway Impacts
- Residential Amenity
- Landscaping and Biodiversity
- Land Contamination

## 8.0 **CONSULTATION RESPONSES**

8.1 **United Utilities** – The drainage proposals are acceptable and therefore a condition requiring the development to be carried out in accordance with these details should be added to any permission. A condition requiring the submission and agreement of a sustainable drainage management and maintenance plan for the lifetime of the development should also be imposed.

8.2 **Council Drainage Officer** – The flood risk assessment and drainage details are acceptable.

8.3 **Head of Highways and Traffic Management** – There is concern that the emerging articulated vehicle would significantly overlap the westbound half of Anchorsholme Lane West. As an alternative to limiting the size of vehicles that could access the site a package of measures have been suggested, however the applicant has indicated that they would be prepared to accept a condition restricting the size of the delivery vehicles accessing the site to no larger than 10 metres. This condition would be acceptable, though should the applicant wish for us to consider something larger we would be happy to review any swept paths submitted.

8.4 **Environmental Protection (Amenity)** – A noise assessment would need to be carried out.

8.5 **Environmental Protection (Contaminated Land)** – A Phase 1 and Phase 2 assessment for land contamination would need to be carried out. If the intention is to remove the underground tanks, a remediation strategy would also need to be provided for the safe removal.

8.6 **Parks Development Manager** – The trees should be heavy standard, 12-14cm.

8.7 **Estate and Asset Management** – No comments received.

8.8 **Commercial Waste** – No comments received.

8.9 Comments have been received from Lancashire Fire and Rescue Service to advise the applicant that the development will need to fully meet the Building Regulations requirements for access and facilities for the fire service.

## **9.0 REPRESENTATIONS**

9.1 Site notice published: 18/02/2022.

9.3 Neighbours notified: 17/02/2022.

9.4 A representation has been received from the following properties:

- 11 Winston Avenue.

9.5 This representation raise the following issues:

- There are already two supermarkets in close proximity to the proposed development.
- The site is at a bus junction with crossroads and the Blackpool to Fleetwood tramway and further development would increase traffic flow at a junction where accidents have occurred several times in the recent past.
- The development is in an area which is subject to increased flood risk.
- The loss of the existing petrol station will be detrimental to motorists.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework**

10.1.1 The National Planning Policy Framework was adopted in July 2021. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

### **10.2 National Planning Practice Guidance**

10.2.1 The National Planning Practice Guidance expands upon and offers clarity on the points of policy set out in the National Planning Policy Framework.

### **10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027**

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS4 Retail and Other Town Centre Uses
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS9 Water Management
- CS10 Sustainable Design and Renewable and Low Carbon Energy

- CS12 Sustainable Neighbourhoods

#### **10.4 Blackpool Local Plan 2011-2016 (saved policies)**

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH13 District Centres
- BH14 Local Centres
- BH15 Change of Use of Premises Outside the Defined Centres
- BH16 Shopping Developments Outside Existing Frontages
- NE6 Protected Species
- AS1 General Development Requirements (Access and Transport)

#### **10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.5.1 The Blackpool Local Plan Part 2 (Part 2) was subject to Examination in Public in December 2021 and the Inspector has issued their comments. As such, weight can be attached to the emerging policies in accordance with the provisions of paragraph 48 of the National Planning Policy Guidance. The following emerging policies in Part 2 are most relevant to this application:

- DM14 District and local centres
- DM15 Threshold for impact assessments
- DM17 Design principles
- DM21 Landscaping
- DM31 Surface water management
- DM35 Biodiversity
- DM36 Controlling pollution and contamination
- DM41 Transport requirements for new development

#### **10.6 Other Relevant Policy Guidance**

10.6.1 An evidence base has been compiled as part of the creation of the Blackpool Local Plan Part 2. The documents in this evidence base which are considered most relevant to the proposal are:

- Retail Topic Paper – Future Capacity (December 2020)
- Local Centres Assessment (April 2019)

10.6.2 Blackpool Council declared a Climate Change Emergency in June 2019 and are committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.

- 10.6.3 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The Green and Blue Infrastructure Strategy sets out six objectives for Blackpool in terms of green infrastructure:
- Protect and Enhance Green and Blue Infrastructure i.e. protecting the best and enhancing the rest
  - Create and Restore Green and Blue Infrastructure i.e. greening the grey and creating new Green and Blue Infrastructure in areas where it is most needed
  - Connect and Link Green and Blue Infrastructure i.e. making the links, improving connectivity and accessibility of Green and Blue Infrastructure
  - Promote Green and Blue Infrastructure i.e. changing behaviour, promoting the benefits of Green and Blue Infrastructure and encouraging greater uptake of outdoor activity and volunteering.
- 10.6.4 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.
- 10.6.5 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community and its ability to address the environmental issues affecting climate.
- 10.6.6 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, no requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

## **11.0 ASSESSMENT**

### **11.1 Principle**

#### Retail and Town Centre Uses

- 11.1.2 The application site is in an edge of centre location, adjacent to the Anchorsholme Lane local centre. Paragraph 20 of the National Planning Policy Framework states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for various uses including retail uses. Paragraph 87 sets out that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 11.1.3 In compliance with the National Planning Policy Framework, policy CS4 of the Blackpool Local Plan Part 1: Core Strategy states that in edge of centre and out of centre locations, proposals for new retail and other town centre uses will only be permitted where it can be demonstrated that there are no more centrally located/sequentially preferable, appropriate sites available for the development and where the proposal would not undermine the Council's strategies for regenerating its centres.

- 11.1.4 The town, district and local centre boundaries within the borough are shown on the Proposals Map to the Local Plan. Saved policies BH13 and BH14 identify district and local centres within the borough; district centres provide for a range of shopping and other service uses and local centres provide for day-to-day shopping needs and supportive uses, accessible by a walk-in local catchment. Policy BH14 states that proposals to extend the shopping frontages of local centres will only be allowed if they are contiguous with an existing shopping frontage, are in scale with the existing centre and can be achieved without harming residential amenity. The policies seek to enhance the role that the existing centres provide, and the principles of these policies are carried forward into emerging Policy DM14. These provisions are aimed at safeguarding the character and amenity of residential areas and do not over-ride the need to comply with the sequential test.
- 11.1.5 Saved policy BH16 concerns development of new shopping facilities outside existing shopping frontages and sets out that this will only be permitted where there is a demonstrable need for the development and the development is appropriate to the scale and function of the local catchment. Whilst BH16 is saved and therefore relevant, it is acknowledged that there is no requirement to demonstrate need in the National Planning Policy Framework.
- 11.1.6 Due to the relatively small size of the application premises, no impact assessment is required by paragraph 90 of the National Planning Policy Framework. However, emerging policy DM15 of the Blackpool Local Plan Part 2: Site Allocations sets out local thresholds for impact assessments for retail and leisure proposals. This policy has not yet been formally adopted but has been through Examination in Public without substantive issue being raised. As such it can be afforded some weight. Furthermore, Policy CS4 expects some consideration of potential impact for proposals in edge or out-of-centre locations.
- 11.1.7 Whilst the existing use does include some convenience shopping provision, this is ancillary to the main use as a petrol station. The scheme proposes to demolish the existing petrol station and ancillary store and change the use of the site to a convenience retail store, which is a main town centre use as defined by the National Planning Policy Framework and as such should be located in accordance with the retail hierarchy and the Council's regeneration strategy and aims. It is for the applicant to demonstrate compliance with the sequential test and to demonstrate that the proposal will not have unacceptable impact. Failure to do so can constitute a reason for refusing permission. It is noted that there are no policies safeguarding the existing use of the site as a petrol station.

#### Consideration of the sequential test

- 11.1.8 A retail sequential assessment has been submitted with the application. However, the assessment makes it clear that the scope of the search for alternative suitable premises has been limited to only two centres - the adjacent Anchorsholme Lane Local Centre and Thornton Cleveleys. The reasoning given for this limited search area is that the proposed development is intended to serve the area around the application site, however little justification has been given as to why this should be an overriding consideration. Paragraph 2.24 of the sequential assessment states that other centres are not within a reasonable distance of the application site and were the proposed development to be relocated to them, the operation would be serving a different catchment area for which there may not be an identified need for the proposed use. Whilst there is no longer a requirement for retail applications to demonstrate need for their approval, when need is used to justify limiting the search area for the sequential test it must be appropriately considered. The assessment submitted has not explained or demonstrated the need referred to. There is clearly no need

for the proposed shopping provision in this locality, as the surrounding area is already served by the retail offer within the local centre, including a Lidl convenience store immediately across the road and a McColl's convenience store on Anchorsholme Lane East. The sequential assessment sets out that the purpose of the development is to serve the site and the wider area and therefore it would be unreasonable to consider sites in centres beyond those nearby. However there is no justification given as to why the development needs to be located in that specific area or why it needs to serve that specific catchment.

- 11.1.9 The case law cited in the sequential appraisal serves to set out that realistic approaches should be taken to the sequential test, principally that criteria for the sequential test are designed for use in the real world in which a developer wishes to operate and that Local Planning Authorities should assess sequential tests within the boundaries of commercial realities. This is not disputed and it is accepted that flexibility should be demonstrated where necessary when adopting the sequential approach. However, no robust justification has been given as to why the development requires the sequential approach to be bypassed or for the scope of search to be limited.
- 11.1.10 Without sufficient justification for limiting the search area, it is expected that proposals for retail development should consider first alternative suitable locations within the designated centres, then edge of centre premises, and only if none are identified out of centre locations. The proposed application site is an edge of centre location, and the developer has failed to sufficiently consider alternative available premises within the designated centres.
- 11.1.11 The decisions also address in what circumstances alternative premises should be considered or discounted based on the flexibility of the developer in terms of the format and scale of the development. However, whether potential alternative sites should be discounted or not is not an issue at hand, as the search for alternative premises has not been carried out in the first instance.
- 11.1.12 In light of the above, the developer has failed to satisfy the retail sequential test, which weighs heavily against the proposal. Whilst all applications must be considered on their own merits, an approval in this instance in contradiction of the sequential test without justification would make it harder for the Council to resist similar schemes in similar circumstances. This would undermine the Council's wider approach to support the hierarchy of established centres across the Borough, which provide focal points and service provision for local neighbourhoods and communities.

#### Consideration of impact

- 11.1.13 The submitted design and access statement addresses impact and sets out that the scale of the development is highly unlikely to result in significant adverse impact on existing centres, serving as a 'top-up' shopping option for the adjacent centre and is unlikely to significantly alter existing local shopping habits. However, it is noted that the adjacent Local Centre already benefits from existing uses which serve these functions – in particular the existing Lidl supermarket and McColl's convenience store. The Local Centres Assessment (2019) identified 24 units within the centre occupied by a range of uses and at the time of the assessment, there were no vacant units. This is still largely the case and the centre can be considered healthy, therefore it is essential to safeguard the health of the centre by safeguarding the existing uses and role they play in the function of the centre.

## Flood Risk

11.1.14 The application site falls within Flood Zone 3. Paragraph 153 of the National Planning Policy Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscaping, and the risk of overheating from rising temperatures. Paragraph 159 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 161 sets out that plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property. They should do this, and manage residual risk by, along with other measures, applying the sequential test and then, if necessary, the exception test. Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

11.1.15 In compliance with the National Planning Policy Framework, policy CS9 requires all new development to be directed away from areas at risk of flooding through the application of the sequential test and where necessary the exception test, taking account of all sources of flooding.

11.1.16 The Flood Risk Assessment submitted with the application identifies the site as being within Flood Zone 3 and the proposed use as being classified as a 'less vulnerable' use. The assessment confirms that the site is protected by the Anchorsholme Flood Defences, and asserts that this means that the application site is effectively located within Flood Zone 1 due to the presence of local flood defences. The report sets out a scheme of flood risk mitigation measures to address residual flooding.

11.1.17 A flood risk sequential assessment has also been submitted, however much like the retail sequential assessment it fails to satisfy the requirements of the sequential test. The developer has not conducted a search for alternative appropriate sites within areas of lower risk of flooding. The reasons given for this are:

- (1) Most of the Anchorsholme and wider Thornton-Cleveleys district is within Flood Zone 3 and restricting new development would prevent any new development in this extensive area.
- (2) The development is of a comparable flood risk vulnerability to the existing development on the site.
- (3) The sequential test does not apply to change of use or minor commercial extensions with a footprint less than 250sqm, and the increase in size of the proposed building compared to the existing building is negligible.
- (4) The site benefits from existing flood defences.
- (5) Residual flooding mitigation measures will be introduced.
- (6) It is not appropriate for alternative sites to be considered as the proposal is for the redevelopment of an existing underperforming commercial site owned by the applicant.

11.1.18 It is not considered that any of these reasons provide robust justification to disregard the flood risk sequential test. Each point has been addressed below:

- (1) The National Planning Practice Guidance acknowledges circumstances where there are large areas in Flood Zones 2 and 3 and sets out that where development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide

reasonable alternatives. However, it has not been demonstrated that the proposed development is needed in the proposed location.

- (2) It is acknowledged that the existing and proposed development fall within the same vulnerability classification. However, as the proposals are for the demolition of the existing building and cessation of that use, and for the development of a new scheme and use, this consideration offers little justification.
- (3) The proposals are for the redevelopment of the site, including an entirely new 519sqm building. The existing building is to be demolished the proposals represent a new development, not an extension.
- (4) It is acknowledged that the site benefits from existing flood defences, however the Environment Agency has confirmed that this does not affect flood zone classification or the requirement for the sequential test. Sites in Flood Zone 3 which benefit from defences are not considered to be Flood Zone 1, and the site will remain in Flood Zone 3 unless the applicant can demonstrate otherwise through modelling.
- (5) The aim of the sequential test is to steer new development to areas with lowest risk of flooding from any source. It is a standard requirement that all development in Flood Zones include appropriate mitigation measures to make them safe from flooding.
- (6) Land ownership is not a material planning consideration but it is significant that the applicant has sought to raise this as a justification for the scheme proposed. Proper consideration of flood risk is not intended to sterilise land but to ensure that development only occurs on land at risk of flooding when there are no reasonable alternatives and where the benefits of the development outweigh the harm

11.1.19 In light of the above, the developer has failed to satisfy the flood risk sequential test which weighs heavily against the proposal. Whilst all applications must be considered on their own merits, an approval in this instance in contradiction of the sequential test without justification would make it harder for the Council to resist similar schemes in similar circumstances. This would conflict with the provisions of the National Planning Policy Framework and undermine the Council's wider approach to manage flood risk.

#### Making Effective Use of Land

11.1.20 Regarding both the retail sequential assessment and flood risk sequential assessment, it would appear from the argument presented that the core reasoning for limiting the area of search (retail) and not carrying out the sequential test (flood risk) is because the existing petrol station is underperforming and the proposals are to redevelop the land already owned by the applicant. As previously mentioned, land ownership is not a material planning consideration. However, in the interests of sustainability it must be considered whether the proposed development would nevertheless make the most effective and sustainable use of the land.

11.1.21 Paragraph 81 of the National Planning Policy Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Section 11 of the National Planning Policy Framework sets out that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed 'brownfield' land. Paragraph 120 sets out that policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production, and should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated, or unstable land.

- 11.1.22 Were the applicant able to demonstrate that the proposed development would be the only viable option for the site, and that a refusal would effectively sterilise the land potentially leaving it to fall into a state of poor condition, this would be a material planning consideration that could over-ride the concerns set out above. Paragraph 6.5 of the submitted Design and Access Statement states the decommissioning of petrol filling stations is a time consuming and cost hungry process, and there are few prospective uses which would enable viable redevelopment to be undertaken and a positive use brought forward at such sites. However, no further consideration is given to other viable redevelopment.
- 11.1.23 A confidential statement has been submitted by EG Group reiterating the circumstances of the application site and the benefits of the proposal. This included an estimated figure for the decommissioning and land remediation of the site and a statement that in their opinion there are no viable alterations that could be made to the site to continue its current use. No further figures or mention of alternative developments were included. The statement also contradicted the design and access and retail statements in that it set out that 25 jobs would be created, as opposed to the previously mentioned 8 jobs.
- 11.1.24 It is accepted that the existing use of the site is underperforming, and that some limited employment benefits would arise from the development. However, in light of the significant conflicts with policy and the failure of the applicant to make a substantive case on the basis of viability, it has not been satisfactorily demonstrated that the benefits of the development outweigh the harm caused by undermining the retail hierarchy and flood risk sequential approach.

## **11.2 Drainage**

- 11.2.1 Proposed drainage plans and a drainage strategy report have been submitted with the application. These have been reviewed by the Council's drainage officer who has advised that the drainage details are considered acceptable. United Utilities have also confirmed that the proposals are acceptable. The scheme has been amended since submission to include the reduction in size and slight relocation of the building. These changes would not affect any impermeable areas of the site. Updates to the drainage information would include amendments to the calculations in the MicroDrainage model, however the drainage principles would remain consistent with those approved. However, the standard drainage conditions could be attached in the event of an approval to secure these details. A condition requiring the agreement of a drainage management and maintained plan prior to the occupation of the development would also be required.

## **11.3 Highways**

- 11.3.1 The scheme proposes the provision of on-site parking including standard car parking spaces, disability accessible spaces, parent and child spaces, electric vehicle charging spaces, cycle storage, and a delivery bay. The number of spaces mentioned differ between the design and access statement and the transport technical note due to amendments having been made to the scheme post-submission, but the plans show that 16 standard car spaces will be provided, with an additional 2 disabled spaces, 2 parent and child spaces, 5 electric car changing spaces, and 4 secure bicycle spaces. The scheme includes a good range of parking provision which meets the Council standards for shops with a floor area of less than 500sqm. The site is in an accessible location and the Council's Head of Highways and Traffic Management has advised that there would be no issues regarding traffic generation.

11.3.2 As existing, the site has a vehicle access and egress to the east onto Fleetwood Road, and a separate vehicle egress to the north onto Anchorsholme Lane West. The proposed scheme would include the removal of the vehicle egress onto Fleetwood Road and the existing access would be widened to create a two-way access/egress junction. The access to the north of the site on Anchorsholme Lane West would be retained and remain unchanged. Concerns were raised initially regarding the egress of articulated vehicles as they would block Anchorsholme Lane West in both directions unless the adjacent traffic lights were on green. It was recognised that limiting the vehicle size could resolve this problem but would likely result in an increased number of HGV visits to the site and additional expense to the operator, therefore a package of measures including the improvement of the southwest radius and the relocation of the stop line on Anchorsholme Lane West was suggested. However it was ultimately agreed by the applicant that they would accept a condition which limits the size of articulated vehicles accessing the site to 10m.

11.3.3 There were also concerns raised regarding the access and egress from Fleetwood Road, as due to its width and radius it would allow an increase in vehicle speeds entering the site which would be unacceptable for pedestrian safety. The plans were subsequently amended to reduce the width of the access and slightly alter the original parking arrangements to achieve a better and safer layout for pedestrians.

## **11.5 Residential Amenity**

11.5.1 The northern and eastern boundaries of the site face onto the public highway, beyond which is a convenience store and the tramlines and therefore no detrimental impact on residential amenity to the north and east of the site are anticipated. However, the southern boundary of the site is shared with the side boundary of a residential dwelling on Fleetwood Road and the rear boundaries of multiple dwellings on College Avenue. To the west, the boundary is shared with the side boundary of the residential dwelling at 3 Anchorsholme Lane West and a rear alleyway which backs onto the rear of the properties at 3 – 15 Anchorsholme Lane West.

11.5.2 Due to the proposed siting of the building in the northeastern corner of the site there are no concerns regarding the impact of the building on residential amenity in terms of overshadowing or creation of an overbearing impact. However, the proposed use as a 24-hour convenience store with associated parking a servicing has the potential to create noise nuisance that would be detrimental to the amenity of the occupants of neighbouring properties. The site is on the edge of a local centre and adjacent to a busy highway and therefore it is reasonable to expect a higher than average level of noise generation, however measures should still be taken to mitigate noise disturbance as far as possible. As such, a noise assessment and mitigation scheme would be required were the Council minded to approve the development. This would need to include the use of acoustic fencing and limits on delivery hours. Similarly, a demolition/construction management plan would also be required to safeguard the amenity of neighbouring residents during the development of the site.

11.5.3 Though the building itself would not be sited against the boundaries with residential properties, no details regarding the boundary treatments have been provided. If the Council was supportive of the scheme, these would need to be secured along with details of the external lighting of the site given the proposed 24-hour use of the development.

## **11.6 Design and visual impact**

- 11.6.1 Paragraph 130 of the National Planning Policy Framework sets out that decisions should ensure that development will function well and add to the overall quality of the area over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character including the surrounding build environment and landscape setting, and establish a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live. Paragraph 134 states that development that is not well designed should be refused, whereas significant weight should be given to development which reflect local design policies or presents outstanding or innovative designs.
- 11.6.2 Policy CS7 of the Core Strategy concerns quality of design and sets out that new development should be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings and that development will not be permitted that causes unacceptable effects by reason of visual intrusion or any other adverse local impact on local character or amenity. Policies LQ1, LQ2, and LQ4 of the Local Plan concern lifting the quality of design, site context, and building design respectively. Policies LQ1 and LQ2 set out that all 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 and that design will be considered in relation to the character and setting of the surrounding area. Policy LQ4 sets out that the scale, massing, and height of new buildings should be appropriate for their use and location and be related to the width and importance of the street or space and the scale, massing, and height of neighbouring buildings.
- 11.6.3 The National Design Guide identifies the ten characteristics that make up good design to achieve high quality places and buildings; the characteristic most relevant to the appearance of this development is context. The guidance sets out that well-designed places are based on a sound understanding of the features of the site and the surrounding context and are integrated into their surrounds and relate well to them, enhancing positive qualities and improving negative ones. It states that well-designed new development is integrated into its wider surroundings, physically, socially, and visually and is carefully sited and designed and is demonstrably based on an understanding of the existing situation.
- 11.6.4 As originally proposed, the new building would be sited closer to both Anchorsholme Lane West and Fleetwood Road than the existing building, projecting significantly beyond the established building lines of both roads. The building would have had the entrance to the building on the southern elevation, facing into the car park and away from the highway. There were some windows on the eastern elevation, however the rest of that elevation and the northern elevation were blank, meaning that the most prominent corner of the site was occupied by a corner of the building sited close to the highway with no visual interest or engagement.
- 11.6.5 Following officer concerns, significant alterations were made to the layout and design of the building. The size of the building was reduced to allow the northern and eastern elevations to be moved away from the site boundaries which encroaching on the parking provision. The internal layout of the premises has also been altered to allow the main entrance to face onto Fleetwood Road, with an additional access facing onto Anchorsholme Lane West. There is glazing occupying most of the northern, eastern and southern elevations, with the blank elevation being limited to the western facing elevation which faces away from the road and

towards the service area and side of the neighbouring building. Were the Council minded to grant a permission, a condition would be required to ensure that this glazing is not obscured. The amendments are otherwise considered a vast improvement over the original proposals and would ensure that the development relates better to the surroundings and the street scene.

- 11.6.6 The amended design includes a dual pitched roof and two totem elements presumably to be used for signage. These features would add to the visual interest of the development and are considered a positive feature. The materials proposed include a mix of brickwork which would reference the surrounding brick dwellings and cladding which reflects the commercial nature of the building. Due to the use of glazing and the grey totem features, the cladding would not be a dominant feature and would be sufficiently broken up by other design elements. Whilst some of the materials have been specified on the plans, others such as the type of brick to be used have not and would be required by condition.
- 11.6.7 The proposals include some landscaping alongside the south eastern access to the site and around the edges of the car park. No details have been provided but would be required were the Council minded to support the scheme, as would a scheme for the landscaping of the 'unused' area of land beyond the car park. The rest of the site would be hard surfaced which is considered acceptable for the use. The surfacing and boundary treatment details would be required were a permission to be granted.
- 11.6.8 The proposed plans show the provision of a bin store on the western side of the building. This has been reduced in width due to the alterations to the siting of the building and would for the most part be hidden behind the building. However, when viewing the site from Anchorsholme Lane West, the store would align with the northern elevation and so would be a prominent feature within the street scene. It is considered that in order to ensure the bin store appear subservient to the main building, it would need to be set back from the northern elevation. As such, details of the position, size and means of enclosure of the bin store would need to be agreed were the Council minded to support the application.

## **11.7 Landscaping / Biodiversity**

- 11.7.1 A habitat survey has been submitted with the application which sets out that the existing buildings on site offer negligible opportunities for bats to enter and exist and the trees on the site do not support potential roost features for bats. The report concludes that there are no concerns relating to impact on great crested newts, bats, or badgers. The site does offer a suitable bird nesting habitat, therefore any development would need to be undertaken outside the bird nesting season and the appropriate standing advice would need to be followed.
- 11.7.2 The habitat survey identified the presence of Japanese Knotweed which is an invasive species. The knotweed would need to be removed from the site using a recognised methodology consisting of digging out and removal off-site to a licensed landfill or burial with a suitable barrier membrane on site. Were the Council supportive of the scheme, a method statement would need to be agreed and the works secured.
- 11.7.3 The proposals include a substantial area of unused land which is indicated on the proposed site plans as being separated from the development by trees and occupied by dense brambles. Whilst the use of this space for landscaping and biodiversity would be a positive feature, a proper landscaping plan and maintenance details would be required to ensure that the area is well maintained and not left to overgrow. Were permission granted,

conditions would be needed to require the submission of a details plan for this area, including how it is to be maintained and the inclusion of ecological enhancement elements such as the provision of bat and bird boxes.

11.7.4 Though it does not include the specific details for this area of land, a landscaping plan has been submitted which includes the provision of some rich turf grass, hedges, and trees around the edges of the car park. The planting detailed on this plan includes native species and trees at a heavy standard which would provide ecological enhancement and benefit biodiversity. The proposed landscaping has been approved by the Council's Parks Development Manager.

## **11.8 Land Contamination**

11.8.1 Due to the previous use of the site as a petrol station, a Phase 1 and Phase 2 assessment for land contaminated would be required prior to the commencement of the development of the site. A remediation strategy should also be provided for the safe removal of underground tanks at the site.

## **11.9 Other considerations**

11.9.1 The application has 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 (as amended).

11.9.2 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

11.9.3 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

## **11.10 Sustainability and planning balance appraisal**

11.10.1 Sustainability comprises economic, environmental and social components.

11.10.2 Economically the scheme would allow for the redevelopment of an underperforming existing site. However, the development would undermine the Council's strategies to focus retail development on the designated centres in order to protect the vitality and viability of the centres and maintain the town's retail hierarchy.

11.10.3 Environmentally, the appearance of the development is considered acceptable subject to conditions required to agree the details of materials and boundary treatments. The proposed drainage details are considered acceptable subject to the submission of a maintenance and management plan, and following the submission of a habitat survey no unacceptable ecological impacts are anticipated. The provision of adequate ecological enhancement could be secured.

11.10.4 Socially, the scheme would have limited impact on residential amenity as it is on the periphery of a primarily commercial area and a noise assessment and mitigation scheme could be secured. The scheme would have no unacceptable impacts on highway function and safety subject to the appropriate conditions. However, the scheme proposes development within Flood Zone 3 and it has not been demonstrated that the proposals would satisfy the sequential test with regard to flood risk.

11.12.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development. The scheme would conflict with and undermine the Council's strategies regarding the location of retail development and flood risk management and sufficient evidence has not been provided to justify this. No other material planning considerations have been identified that would outweigh this view.

## **12.0 CONCLUSION**

12.1 The proposed scheme proposes retail development outside the designated centres without reasonable justification which would undermine the retail hierarchy of established centres across the borough. It would also permit development within Flood Zone 3 without reasonable justification which would conflict with the Council's efforts to manage impacts of flooding and increase the resilience of development by reducing flood risk. On this basis, Members are respectfully recommended to refuse the application.

## **13.0 RECOMMENDATION**

13.1 Refuse for the following reasons:

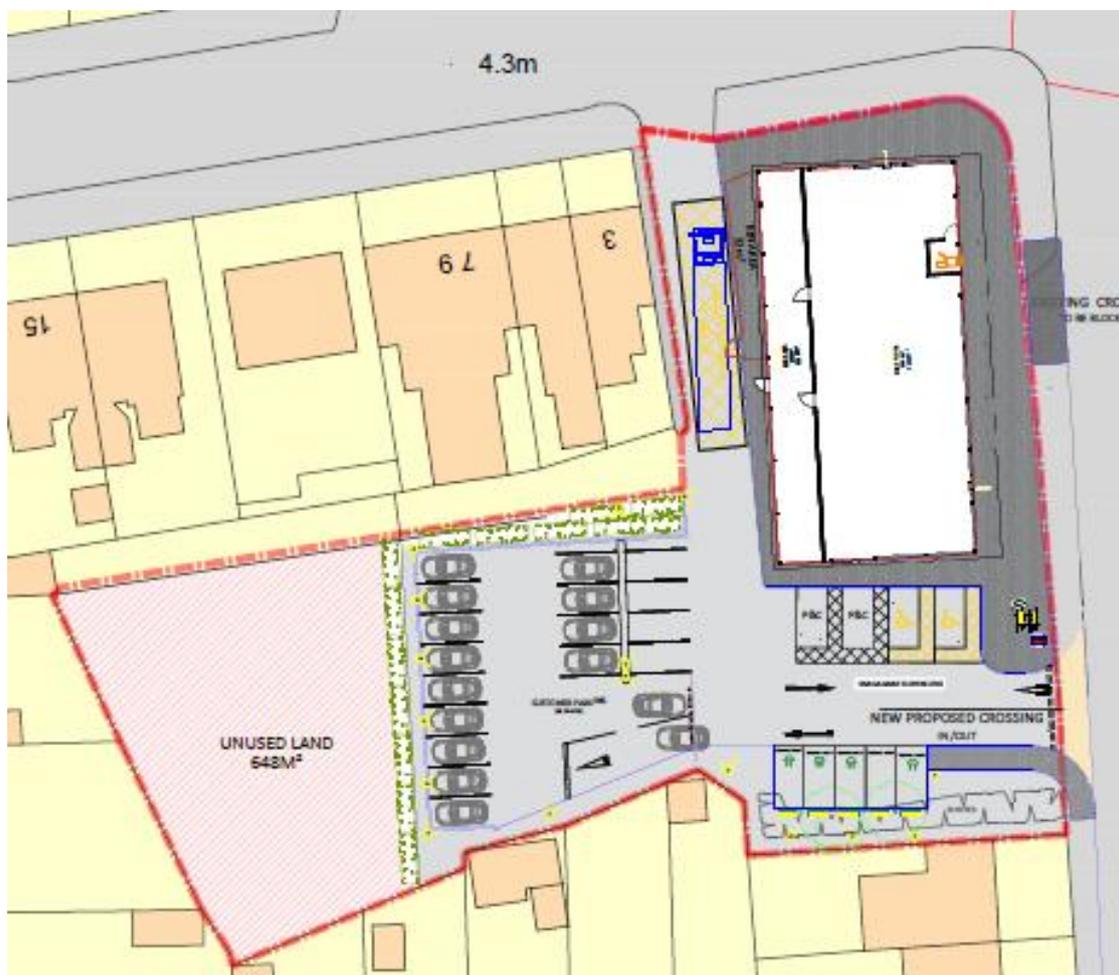
- The scheme proposes the development of a convenience store which is a main town centre use and no satisfactory evidence has been provided to demonstrate that it complies with the retail sequential test or would not have a significant adverse impact upon the health of existing centres. As such the proposals are considered to undermine the retail hierarchy of the established designated centres and prejudice the Council's regeneration aims to strengthen the role, vitality, and viability of the town's designated centres. The scheme would therefore be contrary to Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Policies BH14 and BH16 of the Blackpool Local Plan 2001-2016, and Section 7 of the National Planning Policy Framework.
- The scheme proposes development within Flood Zone 3 and no satisfactory evidence has been provided to demonstrate that it complies with the flood risk sequential test. As such, the proposals are considered to undermine the Council's efforts to manage impacts of flooding and direct new development to areas of lowest flood risk. The scheme would therefore be contrary to Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Section 14 of the National Planning Policy Framework.

**22/0037 – Anchorsholme Service Station**

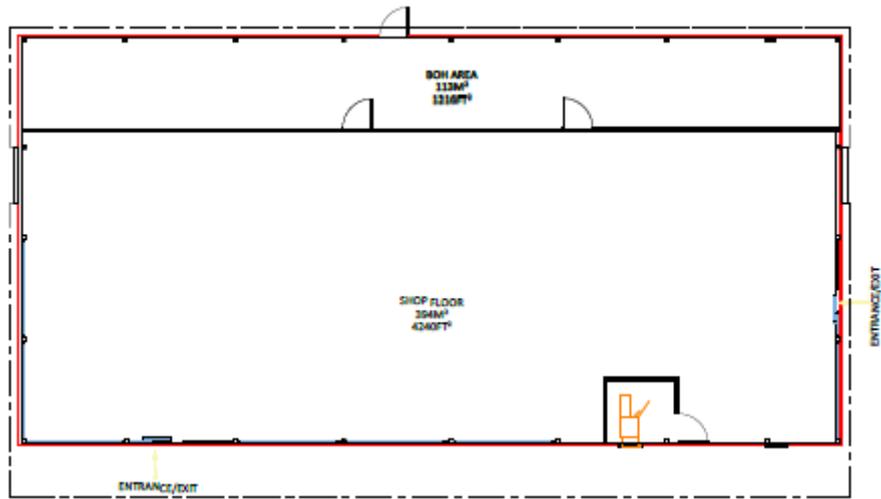
Location Plan



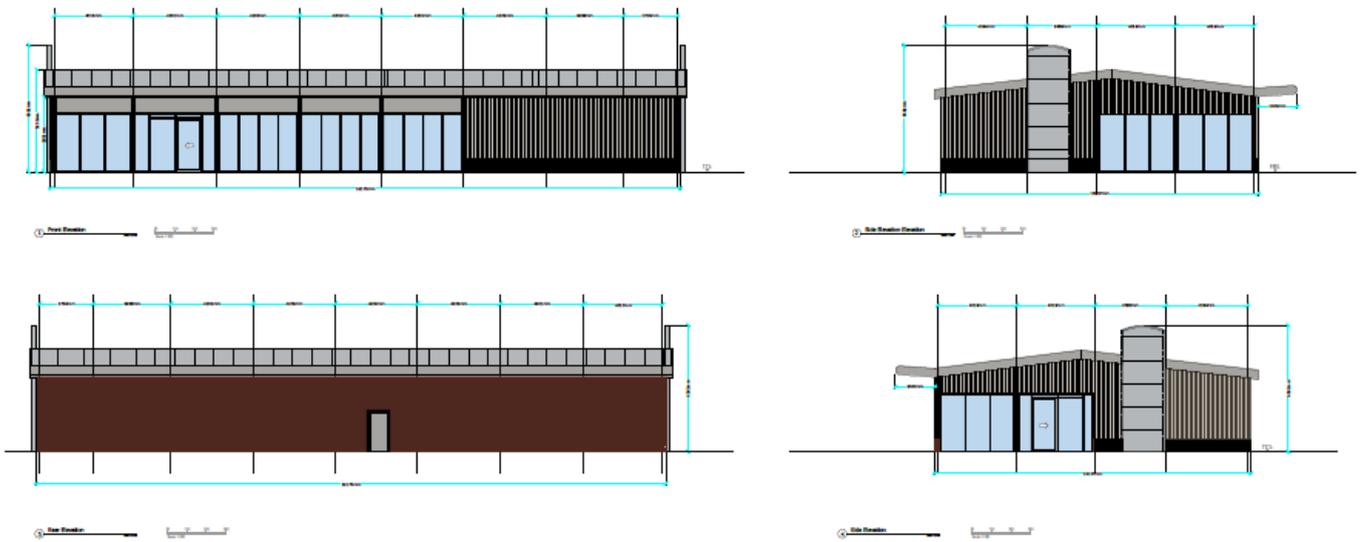
Proposed Site Plan



## Proposed Floor Plan



## Proposed Elevations





## Site Photos







**Blackpool Council  
Development Management**

---

**Officer Report to Committee**

---

<b>Application ref:</b>	22/0054
<b>Ward:</b>	STANLEY
<b>Application type:</b>	FULL
<b>Location:</b>	FORMER BAGULEYS GARDEN CENTRE, MIDGELAND ROAD, BLACKPOOL
<b>Proposal:</b>	Erection of 5 detached bungalows for people of the age of 55, with associated garages, landscaping and utilising existing access from Midgeland Road (via Birchwood Gardens)
<b>Recommendation:</b>	Refuse
<b>Case officer:</b>	Bethany Thornton
<b>Case officer contact:</b>	01253 476312
<b>Meeting date:</b>	14 June 2022

**1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.

1.2 This application would accord with priority one as it would allow for the development of unused land for housing, however it would also conflict with the priority two as the land to be developed falls within the Marton Moss Strategic Site for which a comprehensive neighbourhood plan has yet to be adopted. Policy CS26 restricts the development of this land prior to the adoption of a neighbourhood plan to provide the community with the opportunity to directly determine the future for their area.

**2.0 SUMMARY OF RECOMMENDATION**

2.1 The proposals are contrary to Policy CS26 of the Local Plan as they propose development on the Moss which does not accord with the provisions of Policy CS26 and in advance of the adoption of a neighbourhood plan there are no current policies or plans which would justify the development and outweigh the conflict with CS26. On this basis, Members are respectfully recommended to refuse the application.

### **3.0 INTRODUCTION**

- 3.1 This application is before Members because it would constitute a departure from the Development Plan and is of general public interest. It has been included on this agenda at the express request of the applicant.
- 3.2 The application concerns the land to the rear of the former Baguley's Garden Centre site. Planning permission was previously granted for the erection of 22 dwellings on the wider site in 2016, however due to failure to discharge the attached condition and commence development, this permission lapsed in September 2018. Prior to this permission lapsing there were two applications for the erection of just four dwellings on the site, however these applications were refused on highways grounds. In April 2019 planning permission was granted for the erection of 12 dwellings on the former garden centre site. Whilst it was acknowledged that this conflicted with policy CS26, it was determined that on balance the benefits of the scheme which would include the redevelopment of unsightly brownfield land and the provision of housing to meet a specialist need outweighed this conflict.
- 3.3 An application was submitted in September 2021 for the erection of 7 more dwellings on the undeveloped land to the rear, however this application was withdrawn. The current application represents a resubmission of that application and proposes the erection of 5 additional dwellings on the undeveloped land.
- 3.4 As will be set out in the remainder of this report, the proposal is contrary to Policy CS26 of the Core Strategy in advance of the adoption of a Neighbourhood Plan. Prior to submission of this application, officers advised the applicant of the status of the Neighbourhood Plan and recommended that submission be deferred until the Plan were adopted. Officers have tracked the progress of the Neighbourhood Plan since submission and have advised that determination of the application be held in abeyance until the Neighbourhood Plan is further progressed such that greater weight can be attached to it. The applicant has declined this approach and has now requested immediate determination.

### **4.0 SITE DESCRIPTION**

- 4.1 The application relates to a parcel of land to the rear of the former Baguleys Garden Centre site. The former garden centre site has recently been developed and now comprises 12 bungalows with access from a new road (Birchwood Gardens) off Midgeland Road. This application concerns the undeveloped land between the new dwellings and Stockydale Road, a narrow country lane. The dwellings on Birchwood Gardens are to the west of the site and the southern boundary of the site is shared with the rear of detached dwellings facing onto Stockydale Road. To the east across Stockydale Road is a dwelling and cattery set within a large plot and to the north the boundary is shared with a detached residential dwelling.
- 4.2 The site falls within the Marton Moss Strategic Site and the landfill gas consultation area.

### **5.0 DETAILS OF PROPOSAL**

- 5.1 The application proposes the erection of five bungalows accessed from Birchwood Gardens. The dwellings would be sited in a line along the eastern boundary of the site, facing west towards the existing recently developed bungalows. The bungalows would be detached and would each have a garage to the rear accessed down the side of the property. The existing

public open space provided for the already developed bungalows would be reconfigured, forming two islands of open space in the centre of the site.

5.2 The application has been supported by:

- Design and Access Statement
- Accessibility Questionnaire
- Ecological Appraisal
- Topographical Survey
- Drainage Strategy
- Construction Management Plan

## **6.0 RELEVANT PLANNING HISTORY**

6.1 **21/0850** – Erection of 7 detached bungalows for people over the age of 55, with associated garages, landscaping and utilising existing access from Midgeland Road (via Birchwood Gardens) – Withdrawn.

6.2 **20/0527** – Non-material amendment to allow increase in ridge height to house types 1, 2, and 5 attached to planning application 18/0642 – Granted.

6.3 **20/0446** – Discharge of conditions 12 (Access) 13 (Highways) 14 (Highways) 19 (Site Contamination) attached to planning permission 18/0642 – Granted.

6.4 **18/0642** – Erection of 12 detached bungalows with access from Midgeland Road and associated public open space and private garages – Granted.

6.5 **18/0077** – Erection of 4 detached dwelling houses, 2 with integral garages and 2 with detached garages, with associated landscaping and access from Stockydale Road – Refused.

6.6 **17/0301** – Erection of 4 detached dwelling houses, 2 with integral garages and 2 with detached garages, with associated landscaping and access from Stockydale Road – Refused.

6.7 **16/0196** – Reserved Matters - Erection of 22 dwellings comprising 20 no. two storey detached dwelling houses and a pair of two-storey semi-detached dwelling houses with associated vehicular access from Midgeland Road – Granted.

6.8 **12/0894** – Outline- Erection of up to 36 dwellings comprising 6 no. two-storey detached dwelling houses, 3 no. detached bungalows, 16 no. two-storey semi-detached dwelling houses and 11 no. two-storey terraced dwelling houses with associated vehicular access from Midgeland Road – Granted.

6.9 **10/0220** – Outline - Erection of residential development – Refused.

6.10 **08/1181** – Outline - Erection of residential development – Refused.

6.11 **78/0166** – Erection of residential development – Refused.

## **7.0 MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- the principle of residential development on the site

- impact on residential amenity
- the acceptability of the design of the scheme and the impacts on visual amenity
- highway access, safety, and parking
- flood risk and drainage
- ecological impacts
- environmental impacts
- sustainability and planning balance

## **8.0 CONSULTATION RESPONSES**

- 8.1 **Greater Manchester Ecology Unit** – the logic presented is not entirely agreed but it is accepted that a great crested newt survey is not required. Standard advice regarding protective species and habitats applies.
- 8.2 **United Utilities** – The proposals are acceptable in principle and so a condition requiring the development to be carried out in accordance with the approved drainage details should be implemented. A condition requiring the submission of a sustainable drainage management and maintenance plan prior to the occupation of the development should also be implemented.
- 8.3 **Council Drainage Officer** – The drainage strategy is acceptable. The surface water is being discharged to the surface water system on Midgeland Road through agreement with United Utilities.
- 8.4 **Head of Highways and Traffic Management** – No objections in principle. The access to the site was agreed as part of the previous planning application for 12 dwellings. Access through the hedge from Stockydale Road is proposed to be prevented, and this should be secured via condition due to lack of visibility. The proposed 8m wide road could be reduced to 6m and the public open space radii to 6m. Further reductions in paved areas are feasible but would need to accommodate a fire service appliance and refuse freighter. Such reductions would improve the appearance of the development and increase the public open space provision whilst reducing the developers' costs. A condition requiring carriageways to be constructed to accommodate a 12.5 tonne vehicle should be applied, as required by the fire service standard response. The construction management plan is acceptable.
- 8.5 **Environmental Protection (Amenity)** – No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.
- 8.6 **Environmental Protection (Contaminated Land)** – No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.
- 8.7 **Parks Development Manager** – A landscaping plan is required which should include the species of trees and hedges and size of trees at heavy standard 12-14cm. Some trees (5) should also be included on the public open space section in the middle of the site.
- 8.9 **Marton Moss Neighbourhood Forum** – support the application as it conforms to the proposed neighbourhood plan which is shortly due for public consultation.
- 8.10 **Head of Strategic Asset and Estate** – No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will

be reported through the update note.

- 8.11 **Residential Waste Services** – No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.
- 8.12 **Blackpool International Airport** – No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.
- 8.13 **Housing Strategy and Development Manager** – There is an existing need for two-bedroom accessible and adaptable housing.
- 8.14 Correspondence has been received from Lancashire Fire and Rescue Service advising that the development would need to comply with Building Regulations Approved Document B, Part B5.

## 9.0 **REPRESENTATIONS**

9.1 Site notice published: 17/02/2022.

9.2 Neighbours notified: 17/02/2022.

9.3 Nine representations have been received from the following properties in support of the application

- 16 Wicklow Avenue.
- 160 Preston New Road.
- 139 Midgeland Road.
- 2 New Hall Avenue.
- 2 Birchwood Gardens.
- 5 Birchwood Gardens.
- 10 Birchwood Gardens.
- 11 Birchwood Gardens.
- 15 Stockydale Road.

9.4 These representations raise the following points:

- The development would make use of unused land which would improve the appearance of the site and prevent fly tipping.
- The recently erected dwellings on the rest of the site are a positive development and the proposed dwellings would finish off the development.
- The design of the bungalows have been well thought out and meet the needs of an aging population.
- The landscaped recreation area gives an openness to the development and makes it a pleasant place to live.
- If the land is developed it would feel safer for residents.

9.5 A representation has been received from 21 Stockydale Road which raises the following issues:

- Since the building work has been ongoing the garden at 21 Stockydale Road has been constantly flooded.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework**

10.1.1 The National Planning Policy Framework was adopted in July 2021. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 - Promoting healthy and safe communities
- Section 11 – Making Effective Use of Land
- Section 12 - Achieving well-designed places
- Section 13 – Protecting Green Belt Land
- Section 14 – Meeting the Challenge of Climate Change, Flooding, and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

### **10.2 National Planning Practice Guidance**

10.2.1 The National Planning Practice Guidance expands upon and offers clarity on the points of policy set out in the National Planning Policy Framework.

### **10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027**

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS2 Housing Provision
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS9 Water Management
- CS11 Planning Obligations
- CS12 Sustainable Neighbourhoods
- CS13 Housing Mix, Standards, and Density
- CS14 Affordable Housing
- CS15 Health and Education
- CS26 Marton Moss

### **10.4 Blackpool Local Plan 2011-2016 (saved policies)**

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout and Streets and Spaces
- LQ4 Building Design

- LQ5 Public Realm Design
- LQ6 Landscape Design and Biodiversity
- HN4 Windfall Sites
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH10 Open Space in New Housing Developments
- NE6 Protected Species
- NE7 Sites and Features of Landscape, Nature Conservation and Environmental Value
- AS1 General Development Requirements (Access and Transport)

## **10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.5.1 The Blackpool Local Plan Part 2 (Part 2) went through Examination in Public in December 2022 and the Inspector has issued their comments. As such, weight can be attached to the emerging policies in accordance with the provisions of paragraph 48 of the National Planning Policy Framework. The following emerging policies in Part 2 are most relevant to this application:

- DM1 Design requirements for new build housing developments
- DM3 Supported accommodation and housing for older people
- DM17 Design principles
- DM21 Landscaping
- DM31 Surface water management
- DM35 Biodiversity
- DM36 Controlling pollution and contamination
- DM41 Transport requirements for new development

## **10.6 Other Relevant Policy Guidance**

10.6.1 The Marton Moss Neighbourhood Area and Marton Moss Neighbourhood Forum were designated by the Council in March 2019. The Forum is in the process of preparing a Neighbourhood Plan, however no plan has been formally adopted at this time. Pre-submission publicity and consultation has recently concluded on 19 April 2022, which is step 3 of 7 as set out by the National Planning Practice Guidance. The public responses to this consultation have been published. The comments are generally positive with the exception of residents wishing for additional sites to be allocated for development and uncertainty regarding the Housing Site Viability Study. Comments can be viewed on the Marton Moss Forum website. The Council has also offered comments at this stage advising on changes to be made to specific policies and wording. The next stage of the process will be submission of the plan to the Local Authority, which will be followed by independent examination and finally referendum and bringing the neighbourhood plan into force.

10.6.2 Housing Plan for the Ageing Population 2017-2020: This document acknowledged that the town has a large and growing older person population that needs appropriate housing. Objective 6 refers to the need for specialist housing that meets the needs of older people.

10.6.3 Supplementary Planning Guidance Note 11: Open space: provision for new residential development and the funding system – this document was adopted October 1999 and sets

out that amount of open space required per person and per property depending upon size. It also sets out the equivalent financial contributions that can be made in lieu of on-site provision.

10.6.4 Blackpool Council declared a Climate Change Emergency in June 2019 and are committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.

10.6.5 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The Green and Blue Infrastructure Strategy sets out six objectives for Blackpool in terms of green infrastructure:

- Protect and Enhance Green and Blue Infrastructure i.e. protecting the best and enhancing the rest.
- Create and Restore Green and Blue Infrastructure i.e. greening the grey and creating new Green and Blue Infrastructure in areas where it is most needed.
- Connect and Link Green and Blue Infrastructure i.e. making the links, improving connectivity and accessibility of Green and Blue Infrastructure.
- Promote Green and Blue Infrastructure i.e. changing behaviour, promoting the benefits of Green and Blue Infrastructure and encouraging greater uptake of outdoor activity and volunteering.

10.6.6 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.

10.6.7 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community and its ability to address the environmental issues affecting climate.

10.6.8 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, no requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

## **11.0 ASSESSMENT**

### **11.1 Principle**

11.1.1 The application site falls within the Marton Moss Strategic Site. Policy CS26 of the Core Strategy concerns Marton Moss and sets out that in advance of the adoption of a Neighbourhood Plan, development on the Moss will be limited to conversion or change of use of buildings for agricultural or horticultural purposes, outdoor recreational uses appropriate to the rural area, new homes that meet the requirements of National Planning Policy Framework paragraph 55, and limited residential extensions or replacement dwellings. For clarity, the policy was drafted when National Planning Policy Framework 1 (2012-2018) was in force and so refers to paragraph 55 of that version of the National Planning Policy Framework which relates to housing required to enhance or maintain the viability of rural communities such as housing to support service delivery, agricultural workers dwellings, properties of innovative and exceptional design, or conversion of heritage assets or discussed building where the works would enhance the setting. Policy

CS26 will be applicable to Marton Moss until a formal Neighbourhood Plan is adopted for the area.

- 11.1.2 The National Planning Practice Guidance and National Planning Policy Framework set out that weight can be given to emerging Neighbourhood Plans based on the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. The Marton Moss Neighbourhood Forum is progressing with the development of a Neighbourhood Plan for the area, however it is still in the relatively early stages of preparation. A draft plan was published for public consultation on 7 March 2022 for a six-week period until 19 April 2022, which is step 3 in the 7 step process outlined in the National Planning Practice Guidance. The plan has not yet been submitted to the Council. The Council must formally assess the draft Neighbourhood Plan and determine whether or not it is in accordance with the adopted Development Plan. If it is not, it cannot be found sound. Should the Council determine that the Neighbourhood Plan can proceed, it will then move forward to independent Examination in Public following further statutory consultation, including with statutory consultees. As such, it is considered that at this time the draft Neighbourhood Plan can be afforded limited weight and would not outweigh the specific provisions of adopted policies. The Development Plan, including adopted Policy CS26 therefore remains the primary planning consideration.
- 11.1.3 The housing proposed would not re-use any existing buildings and would not be of exceptional design. There is no justification for the housing to accommodate rural workers. Whilst Marton Moss is rural in character, it sits on the edge of the urban area of Blackpool. The existing pattern of development in the wider area is well established. Notwithstanding the issues of connectivity and accessibility, the wider area is reasonably well served in terms of education, employment, services and public transport. As such, the development is not required in order to sustain population numbers to safeguard the provision of community facilities. On this basis, as the scheme is not for a use appropriate to the rural area, it is contrary to the provisions of Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy. The fundamental objective of this policy is to safeguard the existing character of the Moss, which is unique in the Blackpool context, until a Neighbourhood Plan is adopted. The key consideration, therefore, is the impact of the proposal on the existing character of this area of the Moss.
- 11.1.4 Outline planning permission was granted in 2012 for residential development of the former garden centre and the application site as a whole, prior to the adoption of the Core Strategy in 2016, and reserved matters was granted in 2016. It is acknowledged that further applications for alternative housing developments at the site were submitted in 2017 and 2018 and were refused on highway grounds only – this is because there was an existing extant permission for housing development on the site. However, this permission was never implemented and lapsed in September 2018. At this time, there are no extant planning permissions which permit the development of housing on the application site.
- 11.1.5 Previously, an application for 12 detached bungalows part of the former garden centre site to the west of the application site was approved despite conflict with Policy CS26. This was, in short, due to the brownfield nature of that part of the site which was hard-surfaced and fenced and detracted from the appearance of the street scene and quality and rural character of the area. The redevelopment of brownfield land weighed in favour of this development. The application site is greenfield land and has not been previously developed. In the assessment of application ref. 18/0642 the section of the site the subject of this application was identified as green field. Marton Moss is characterised by an irregularly spaced built form that is interspersed with areas of green; this pattern of development in

combination with hedgerow boundaries and trees is an inherent aspect of its urban-fringe character. At present, the site is entirely vegetated and so contributes positively to this character. Redevelopment of the site with housing would erode this character and have a significant impact on the street scene of Stockydale Road and its semi-rural character. As such, it would compromise the fundamental objectives of Policy CS26. It is noted that comments have been made in support of the development as it would mean the land would be properly maintained, however the application site is not in a state which is significantly detrimental to the street scene and as mentioned previously, the green and well-vegetated nature of the site is a character of the countryside. Construction fencing has been erected around the site and at the time of the site visit debris and construction materials were stored behind the fence, however this could easily be remedied by the owner of the site without developing the site for housing.

11.1.6 The scheme would deliver five homes aimed at older persons. Quantitatively this would have a negligible impact upon the boroughs housing provision and, as the Council can currently comfortably demonstrate a 5-year affordable land supply, this carries very little weight in the planning balance. There is an identified need for older persons housing and this carries some weight in the planning balance.

11.1.8 In terms of housing mix, the proposed scheme would offer five dwellings each with two bedrooms. Policy CS13 of the Core Strategy expects housing development to contribute towards a balanced housing mix in the wider area. The bungalows which have already been developed on the western part of the site are mostly also two-bedroom dwellings. However, it is acknowledged the wider area of the Moss is dominated by larger properties and that other new-build states in particular are made up mostly of homes offering three bedrooms or more. As such, the format of the accommodation is considered to be acceptable.

## **11.2 Planning Obligations**

11.2.1 Policy CS14 of the Core Strategy requires housing schemes of between 3 and 14 units to make a financial contribution towards affordable housing provision. This requirement is to be detailed in a Supplementary Planning Document. However, as there is currently no Supplementary Planning Document in place, the Council is unable to calculate and require contributions at the present time. The development is not a sufficient size to generate a requirement for a contribution towards local health or education provision. In any case, the development proposed is for occupation by people over the age of 55 which could be secured via condition, therefore no contribution towards local education provision would be expected.

11.2.2 In accordance with Policy BH10 of the Local Plan and the associated Public Open Space Supplementary Planning Guidance (SPG) the development proposed would require public open space provision of 240 square metres. The proposed development would be the second phase of a housing development on the wider site. The first element for 12 bungalows under application ref. 18/0642 generated a requirement for 600 square metres which was provided on the greenfield land to the rear which now forms the current application site. The combined public open space requirement for both elements would be 840 square metres. The current application proposes a public open space area of 1,289 square metres which comfortably exceeds the minimum public open space requirement and would be sufficient to meet the need generated by the development as a whole. Were the Council minded to support the application, a condition requiring the details for the landscaping and maintenance of the public open space would be required.

### **11.3 Amenity Impact**

- 11.3.1 The site is in a primarily residential area where the neighbouring properties are residential dwellings and a residential development has recently been carried out adjacent to the application site. It is not considered that the use of the land for residential dwellings would have any unacceptable impact on the intended occupants or existing residents of the area.
- 11.3.2 The Council expects residential developments to meet the minimum separation distances of 21 meters between front to front / rear to rear and 13 metres front or rear to side. Rear gardens are generally expected to be approximately 10.5 metres in length. The proposed dwellings would be sited along the eastern boundary of the site, backing onto Stockydale Road and facing towards the public open space to be provided as part of the development. The rear gardens would be approximately 12-13 metres long and the rear elevations of the dwellings would be approximately 26 metres from the dwellings on the opposite side of Stockydale Road. The front of the dwellings would overlook the public open space and face towards the side elevations of the dwellings already erected on the site, with the nearest dwelling being over 35 metres away. The side elevation of the southernmost dwelling would face towards the rear elevations of dwellings on Stockydale Road, however a separation distance of approximately 23 metres would be maintained. As such, the proposed dwellings would comply with the expected separation standards.
- 11.3.3 Both bedrooms in each dwelling would be served by windows with outlook onto the street and public open space and the living spaces to the rear of the dwellings would be served by windows and patio doors into the back garden. The dwellings would have windows in the side elevations, however these windows would be serving bathrooms and could be conditioned to be obscure glazed and non-opening above a certain height.
- 11.3.4 Due to the separation distances and the fact that the proposed dwellings are bungalows, no unacceptable overshadowing or overbearing impacts on existing residential dwellings are anticipated. The proposed dwellings would be sited in line with one another, would have no rear projections, and the detached garages proposed would be sited adjacent to one another against the boundary. As such, no unacceptable overshadowing or overbearing impacts between the proposed properties are anticipated.
- 11.3.5 Emerging Policy DM1 requires a minimum of 20% of all dwellings in new housing developments to meet the Nationally Described Space Standard. The internal layouts of the properties would all meet the minimum space standards and would offer a reasonable standard of accommodation for future occupants. Policy DM1 also sets out that new build properties should provide adequate external amenity space which should be at least the equivalent size of the footprint of the house or reflect garden sizes in the area. Saved Policy BH3 states that residential units will need to provide an area of outdoor amenity space of sufficient size to meet the needs of their occupiers. The proposed dwellings would have reasonably sized private rear gardens between 12-13 metres in length. Some of the rear garden space would be occupied by private garages, however the remaining garden space is still considered acceptable for the occupancy of the dwellings proposed, particularly as a large amount of public open space will be provided on site.
- 11.3.6 As the site is in close proximity to residential dwellings a construction management plan would be required which safeguards the amenity of nearby residents. A construction management plan which was submitted for the previously approved development of the 12 existing bungalows has been resubmitted. If the Council was minded to support the

proposal, an updated construction management plan with reference to the proposed development and the existing situation at the site would be conditioned.

#### **11.4 Visual Impact**

- 11.4.1 Though the site falls within the Marton Moss Strategic Site it is outside of and a reasonable distance away from the Marton Moss Conservation Area and as such it is not considered to affect the setting of a heritage asset.
- 11.4.2 The Moss contains a wide range of property sizes, styles, and designs within the nearby area, however the proposed dwellings have been designed to reflect the bungalows recently approved and erected on the adjacent section of the site. The approved bungalows have slightly varying designs, but the proposed dwellings would be the same as the approved house types 3 and 4 in the development approved under application 18/0642. The design is traditional and two house types are used to facilitate the front projection being on different sides depending on the siting of the dwelling. A condition could be attached which requires the fenestration to be set back by at least a bricks width to provide appropriate visual depth and ensure consistency with the existing dwellings on the site.
- 11.4.3 The proposed plans include a materials plan which sets out that all of the dwellings would have Marley Modern Anthracite roof tiles and the dwellings on plots 12, 14, and 16 would have Hanson Rannock Red Multi facing brick walls and the dwellings on plots 24 and 15 would have K-Rend Champagne walls. Whilst no samples of these materials have been provided, they are the same materials previously proposed and approved for the existing dwellings on the site. The materials are traditional in colour and would be appropriate for the setting, and the use of both rendered and brick properties help to introduce variety and visual interest into the street scene. Overall, the use of the same materials as those approved for the existing dwellings on the site is considered acceptable.
- 11.4.4 The proposals include conjoined single garages to the rear of each dwelling which would be accessed down the side of the houses. They would be set well back from the building line of the front of the dwellings and would reflect the siting of the garages at other dwellings already approved on the site. However, they would be in relatively close proximity to the rear boundary with Stockydale Road and would be set at a higher level, and so would have a detrimental impact and appear overly prominent within that street scene. As such, it has been requested that the height of the garages be reduced as much as possible, and that the garages be relocated further forward alongside the dwellings to move them further away from Stockydale Road. Any amendments to the siting of the garages will be reported in an update note. To ensure that the dwellings remain an acceptable distance away from Stockydale Road and do not protrude beyond the building line of the neighbouring properties on Stockydale Road, if the Council were minded to approve the development a condition could be attached which removes permitted development rights for extensions.
- 11.4.5 The submitted plans do not include the details for the surfacing of the sites. There are also no specific details regarding the boundary treatments or landscaping of the site. As existing, there is a hedgerow along the eastern boundary of the site which separates the site from Stockydale Road whilst maintaining and rural character consistent with the area. The proposed site plans indicate the retention of the hedgerow as well as additional hedges along the southern boundary. If the Council was supportive of the scheme, details regarding the surfacing, landscaping, and boundary treatments, as well as details of the public open space such as street furniture, boundary treatments, seating, landscaping, or signage would need to be secured through condition.

11.4.6 All of the dwellings have driveways and footpaths down the side of the houses where refuse can be stored behind the building line to mitigate visual impacts on the street scene and public open space area.

### **11.5 Highway Safety, Access and Parking**

11.5.1 The scheme has been considered by the Council's Head of Highways and Traffic Management and no objections have been raised in principle. The access to the site and additional highway improvement works were agreed as part of the previous planning application 18/0642 and are acceptable. Though the plans do not indicate any sort of access onto Stockydale Road to the east, a condition could be attached to ensure this is the case as there would be limited visible for emerging pedestrians or vehicles. The width of the road around the public open space has been slightly amended following comments from the Head of Highways and Traffic Management and is considered acceptable. A condition would be required were the Council minded to support the scheme to require the carriageways to be constructed to accommodate a 12.5m tonne vehicle as required by the fire service standard response.

11.5.2 Each dwelling would have two bedrooms and therefore in line with the Council's parking standard should provide two off-street parking spaces. Each of the dwellings would have a single detached garage, though as the details of the garages have not been submitted it is not clear whether this would accommodate a vehicle. Nonetheless, each dwelling would have a driveway down the side of the house which would provide parking for two vehicles parked in tandem. No on-street parking would be available within the site but the off-street provision would meet the needs of the development and so is considered to be acceptable. The rear amenity spaces and garages are accessible externally and could accommodate the storage of bicycles if required.

11.5.3 A construction management plan has been submitted which reflects the plan that was approved for the previous application on the site under 18/0642 and covers site access, delivery arrangements, parking, storage and loading of materials and waste, and wheel washing facilities etc. along with a site compound plan which includes the location of site office, toilets, and material secure storage. The construction management plan would need to be updated for the current scheme as it still refers to the previous application for 12 bungalows on the adjacent site.

### **11.6 Drainage and Flood Risk**

11.6.1 The site falls within Flood Zone 1 and therefore no Flood Risk Assessment or demonstration of compliance with the sequential and exception tests are required. A proposed drainage strategy has been submitted and deemed acceptable by United Utilities and the Council's Drainage Officer. Were approval recommended, a condition requiring the submission of a sustainable drainage management and maintenance plan prior to the occupation of the development would be proposed.

### **11.7 Ecological and Arboricultural Impact**

11.7.1 An ecological appraisal has been submitted with the application which sets out that the site offers a low potential for Great Crested Newts accessing the site despite the location of small ponds nearby due to the surrounding highway infrastructure. However, it sets out that any pre-construction ground works should be undertaken via best practice and be

conducted under the watch of a suitably qualified and experienced Environmental Clerk of Works under the Precautionary Principle in Environmental Law. A condition should be imposed that requires the work to be carried out in accordance with these recommendations.

- 11.7.2. The site has been cleared and whilst there is some shrubbery on the site and hedgerow along the eastern border there are no structures or trees on the site that would suggest the potential for roosting birds or bats.
- 11.7.3 No landscaping or planting details have been provided, however the proposed site plan indicates that the hedge along the eastern boundary of the site would be retained with additional hedgerow along the southern boundary of the site. Were the Council supportive, conditions requiring a hedgerow protection plan and a landscaping scheme would be required. Such a scheme would need to include bolstering hedgerows and new tree planting within the public open space with heavy standard 12-14cm trees.
- 11.7.4 Finally, in accordance with the Council's aims to enhance biodiversity and the recommendations of the ecological appraisal, a scheme for ecological enhancement including the planting of native species and the provision of bat and bird boxes would be required.

## **11.8 Environmental Impact**

- 11.8.1 Given the scale of development, no unacceptable impacts on air quality are anticipated. As the site is adjacent to previously developed land a condition should be attached to any permission granted to require the agreement of a scheme of site investigation in respect of potential land contamination and any remediation measures found to be necessary. Water quality would be safeguarded through the agreement of a Construction Management Plan and through the agreement of a drainage scheme for the site.

## **11.9 Other Considerations**

- 11.9.1 The application has 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 (as amended).
- 11.9.2 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.
- 11.9.3 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

## **11.10 Sustainability and planning balance appraisal**

- 11.10.1 Sustainability comprises economic, environmental and social components.

11.10.2 Economically, the scheme would have a limited impact due to the scale but the creation of new residential units would help to support local shops and services and some employment would be generated during construction.

11.10.3 Environmentally, the design of the scheme is considered to be acceptable. The drainage details are considered acceptable, and a drainage management and maintenance plan could be secured via condition if the Council was minded to support the proposal. The scheme would result in the loss of some greenfield land, however no unacceptable biodiversity impacts are anticipated as the scheme includes soft landscaping and an appropriate planting plan and scheme for ecological enhancement could equally be secured via condition. Similarly, air, land, and water quality could be protected and the potential for contamination safeguarded against.

11.10.4 Socially, the scheme would provide good quality accommodation that would meet a specialised need, though to a limited extent. The scheme would contribute towards the borough's housing provision albeit to a negligible extent. However, the scheme would not accord with the Council's aims for the area and would conflict with the Development Plan as it would not represent the type of development permitted within the Marton Moss Strategic Site in advance of the adoption of a neighbourhood plan, and would have a significant and unacceptable impact upon the existing character of this area of the Moss. No unacceptable amenity impacts are anticipated and no undue impacts on flood risk or highway safety are anticipated.

11.10.4 In terms of planning balance, the development proposed is not considered to constitute sustainable development as it would conflict with the development plan and no other material planning considerations have been identified that would outweigh this view.

## **12.0 FINANCIAL CONSIDERATIONS**

12.1 The development would create five new dwelling and so would generate some Council Tax income for the Council. However, this is not a material planning consideration and has no weight in the planning balance.

## **13.0 CONCLUSION**

13.1 The proposals are contrary to Policy CS26 of the Local Plan as they propose development on the Moss which does not accord with the provisions of Policy CS26 and in advance of the adoption of a neighbourhood plan there are no current policies or plans which would justify the development and outweigh the conflict with CS26. On this basis, Members are respectfully recommended to refuse the application.

## **14.0 RECOMMENDATION**

14.1 Refuse for the following reasons:

- The proposals would occupy greenfield land and would not meet any of the specified circumstances in which new residential development would be acceptable within the Marton Moss Strategic Site in advance of the adoption of a Neighbourhood Plan for the area. As proposed, the development would have a significant and unacceptable impact upon the green, open and semi-rural character of this area of the Moss. No material planning considerations have been identified which would outweigh this conflict with policy. Whilst

all applications must be determined on their own merits, an approval in this instance would make it harder for the Council to resist similar proposals in similar circumstances which would lead to a greater cumulative impact. As such, the scheme would have an unacceptable impact on the character of the Marton Moss Strategic Site and would be contrary to Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

- Notwithstanding the first reason for refusal, the development, by virtue of the height, position and level of the garages relative to Stockydale Road, would have an over-bearing impact on the appearance of that streetscene. As such it would be contrary to the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ2 and LQ4 of the Blackpool Local Plan 2001-2016.

Note: this reason for refusal could be addressed through amendments to the scheme.

**22/0054 – Former Baguleys Garden Centre Plans**

Location Plan



Proposed Site Plan



### Proposed House Type A



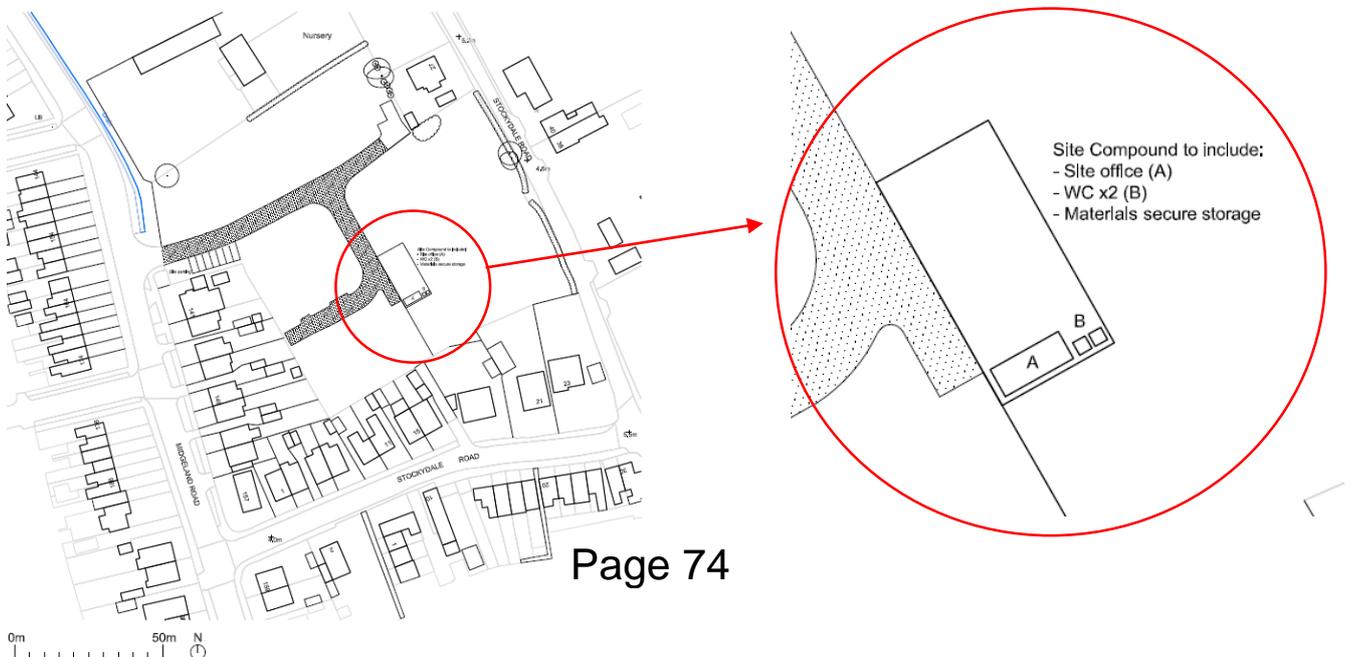
### Proposed House Type B



### Proposed Street Scene



### Proposed Site Compound Plan



**Site Photos**











This page is intentionally left blank