

COMMITTEE DATE: [06/10/2014](#)

Application Reference: **14/0541**

WARD: Squires Gate
DATE REGISTERED: 13/08/14
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission
APPLICANT: Mr P Rump

PROPOSAL: Use of premises as a furniture retail showroom (Use Class A1)

LOCATION: 91 SQUIRES GATE LANE, BLACKPOOL, FY4 1QP

Summary of Recommendation: Grant Permission

CASE OFFICER

Miss. S. Parker

INTRODUCTION

Planning permission was originally granted for the use of the front part of the premises as a furniture showroom in 2009 for a temporary period of five years (ref. 09/0299). At that time the Council was mindful of the challenging economic climate that prevailed at the time and was keen to see such a prominent building on a main route into Blackpool brought back into beneficial use. Subsequent applications to vary the conditions attached to this permission to allow the sale of home interior and nursery goods have been refused on retail policy grounds (refs. 12/0219 and 12/0360). The latter decision was appealed and that appeal dismissed. However, enforcement action to cease the use has yet to be taken pending the outcome of this application.

SITE DESCRIPTION

The permission granted in 2009 allowed the use of the front, western part of the building on the corner of Squires Gate Lane and Hillcrest Avenue to be used as a furniture showroom. The remainder of the frontage to the east is in use as a car repair and car wash centre. Since permission was granted, however, the business has now expanded and diversified and now occupies the full extent of the site to the west of the car repair use. The front part of the building to the east of the main entrance remains in use as a furniture showroom whilst the frontage to the west of the entrance point is now in use for the sale of nursery goods. This section of the building is being used without authorisation and an appeal to regularise the use was dismissed in 2013. A mezzanine floor has been created above this part of the sales floor. The area to the rear of the building is now used as a showroom for the sale of second hand furniture and limited carpet sales and storage. The entrance to this part of the site is in the Hillcrest Avenue elevation. The unit has a total sales floorspace of some 1,311sqm and a further 383sqm of storage space. The application site is bounded by residential properties to the west and north with a small parade of shops to the east on the opposite side of Stonyhill

Avenue. These retail uses are not safeguarded as a local centre under the Local Plan. The site faces onto a residential flat block on the opposite side of Squires Gate Lane with the former Westgate House site to the east and business premises to the west. It is noted that a shop selling nursery goods has recently opened on the opposite side of Squires Gate Lane on land that falls within the jurisdiction of Fylde Borough Council. Ten car parking spaces are available to the front of the unit which could be used by the public.

The Committee will have visited the site on 6th October 2014.

DETAILS OF PROPOSAL

The application seeks planning permission for the use of the premises as a furniture showroom on a permanent basis. The application now relates to the full extent of the building to the west of the car repair centre. The applicant has suggested that a condition be attached to any permission granted to allow sales of the following:

- gas and electrical goods and appliances;
- DIY products, materials, tools and machinery for repair, maintenance and improvement of property and the garden;
- carpets, linoleum, laminate and other floor coverings;
- tiles and other hard wall coverings;
- furniture and beds;
- fitted kitchens, fitted bedrooms and bathrooms;
- pets, pet foods and pet products;
- bicycles and cycling equipment;
- car sales, car parts and motoring equipment;
- caravan, camping and boating sales, parts and equipment;
- wheelchairs, mobility scooters, walkers, lifts and handling equipment, specialist home equipment and other daily living aids for the elderly and disabled.

The application is accompanied by a planning statement. A sequential appraisal was submitted with the application but was found to be inappropriate as it was based on the floorspace of the showroom initially approved rather than the floorspace planning permission was being sought for. A revised sequential appraisal is being prepared at the time of writing this report.

The Committee will have visited the site on 6th October 2014.

MAIN PLANNING ISSUES

The main planning issue is considered to be:

- The impact of the use on the vitality and viability of the established retail hierarchy and existing, committed or planned investment;
- The potential for the permanent retail use of the site to prevent or delay more appropriate, comprehensive redevelopment of the land between Hillcrest Avenue and Stonyhill Avenue.

This issue will be discussed in the assessment section of this report.

CONSULTATIONS

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

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 19th August 2014

Neighbours notified: 14th August 2014

A letter of support has been received from Councillor Cox and a letter of objection from no. 2 Kidbrooke Avenue raising the following issues:

- goods should not be displayed for sale outside of the building;
- refuse should be stored internally;
- HGVs park on the site and overlook surrounding properties;
- cars are abandoned on the site and become a source of anti-social behaviour.

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

NATIONAL PLANNING POLICY FRAMEWORK

In March 2012, the National Planning Policy Framework (NPPF) was published. This document sets out the Government's approach and expectations with regard to planning and development. It places heavy emphasis on sustainable development and the need for the planning system to be proactive in driving economic growth. There is a presumption in favour of development where there are no over-riding material considerations. Paragraph 27 of the Framework clearly states that where applications fail to satisfy the sequential test or are likely to have significant adverse impacts on existing, committed or planned investment or the viability of existing centres, they should be refused.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

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

- BH3 Residential and Visitor Amenity
- BH11 Shopping and Supporting Uses - Overall Approach
- BH12 Retail Development and Supporting Town Centre Uses
- BH16 Proposed Shopping Development Outside of Existing Frontages
- AS1 General Principles (Access and Parking)

EMERGING PLANNING POLICY

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

The Core Strategy Proposed Submission was agreed for consultation by the Council's Executive Committee on 16th June 2014 and by the full Council on 25th June 2014. The document was subsequently published for public consultation on 4th July 2014 for a period of eight weeks. This consultation period has now closed. The intention is that the document will be submitted for consideration by an independent Planning Inspector through an Examination in Public in 2015.

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

CS4 Retail and Other Town Centre Uses

This policy is now considered to carry weight in the assessment of planning applications.

ASSESSMENT

Principle

The application site is situated outside of the designated Town Centre and the defined District and Local Centres that comprise the established retail hierarchy of the borough. It is located approximately 280m to the east of the local centre at Starr Gate and approximately 560m from the local centre at the junction of Abbey Road and Squires Gate Lane. As such, the site is considered to be out-of-centre.

The impact of the use on the vitality and viability of the established retail hierarchy and existing, committed or planned investment.

The National Planning Policy Framework requires out-of-centre retail developments to be considered against two criteria; the extent to which the development would undermine existing, committed or planned investment and the vitality and viability of existing centres; and the extent to which the proposal accords with a sequential assessment of alternative sites.

The application seeks planning permission for the sale of a wide range of bulky goods on a permanent basis. The condition suggested has been taken from a temporary permission granted at 96 Rigby Road (ref. 13/0279). That building was vacant at the time the permission was granted and so a relatively wide range of bulky goods were approved for sale to increase the likelihood of the building being occupied. The site on Rigby Road is directly opposite a major new housing development and a temporary permission of five years was granted to coincide with the proposed period of construction. Once the housing development has been completed, the future use and development potential of no. 96 Rigby Road will be reviewed. As the application site is not vacant, the use of such a broad condition should planning permission be granted is not considered to be appropriate. As such, officers consider that this application should be judged on the acceptability of retaining the existing uses on site, excluding the sale of nursery goods.

At present the retail sales from the site include new and second hand furniture and carpets. Nursery goods are sold from part of the site but this has been the subject of a separate planning application and subsequent appeal following refusal that was dismissed. It is understood that the applicant intends to incorporate the sale of nursery furniture into the main use of the premises.

Whilst it is acknowledged that a wide range of goods can successfully be traded from a town centre location, it is the sale of clothing, footwear and fashion items that constitutes the mainstay of a strong town centre retail offer. On this basis, given the proposed restriction on the goods to be sold from the site, the level of direct competition with the town centre offer is considered to be limited. As the application seeks planning permission for the continued use of an existing building, it is not considered that an approval in this instance would undermine investor confidence in the Council's commitment to town centre regeneration to the same extent as a new-build retail development. It is recognised that the granting of a permanent permission could nevertheless send out a negative message and could undermine the consistent approach the Council has taken in resisting permanent out-of-centre retail development in recent years. However, on balance it is not considered that the continued use of the site could be judged to have a significantly harmful impact on the vitality and viability of Blackpool Town Centre.

All proposals for out-of-centre retail development should be accompanied by a sequential appraisal to demonstrate that no more sequentially preferable sites are available for use. A certain amount of flexibility with regard to the operation of the business and the potential for disaggregation is expected. A sequential appraisal was initially submitted with the application but this was based on a floorspace of 100sq m and above and was not considered to be appropriate. A second sequential appraisal is being prepared at the time of writing. As the existing floorspace of the premises amounts to some 1,700sq m, officers do not anticipate that any sequentially preferable sites meeting the applicant's needs will be identified.

The potential for the permanent retail use of the site to prevent or delay more appropriate, comprehensive redevelopment.

The application site is surrounded by residential properties to the west and east and on the opposite side of Squires Gate Lane to the south. Outline planning permission has recently been granted for the development of six semi-detached houses on the land to the north-east formerly occupied by a Council family resource centre and the remainder of Stonyhill Avenue is residential in character. The existing uses on site are historic and are out of character in what is otherwise a predominantly residential area. The residential redevelopment of the whole of the end of the block between Hillcrest Avenue and Stonyhill Avenue would be considered the most appropriate long-term solution for the wider site. It is understood that the land is under one ownership and so comprehensive redevelopment is considered to be a realistic long-term prospect. It is felt that the granting of a permanent planning permission for a retail use in this instance would prejudice the potential longer-term comprehensive redevelopment of the site and discourage more appropriate long-term investment. On this basis, a temporary five year planning permission is considered to be the most appropriate solution for the site. This would also reflect the approach taken at no. 96 Rigby Road.

Other Issues

Conditions can be attached to any permission granted to prevent the display or storage of goods or refuse outside of the premises.

The parking of vehicles within the confines of the site is not subject to planning control. Any issues relating to anti-social behaviour would be a matter for the police.

As the use is existing, no issues relating to impacts on residential amenity, visual amenity or highway safety are identified.

CONCLUSION

The application site falls outside of Blackpool Town Centre or any of the district and local centres that form the boroughs retail hierarchy. Whilst it is recognised that a wide range of goods can be successfully traded from town centre locations, it is accepted that by restricting the goods sold to bulky items, the extent to which the site would compete with the town centre offer is limited. As the use is existing and given the nature of the goods to be sold, it is not considered that the continuation of the use would cause significant harm to the vitality and viability of Blackpool Town Centre or jeopardise existing, committed or planning investment in that area. Although a revised sequential appraisal is yet to be received, it is not anticipated that any sequentially preferable sites meeting the applicant's needs are available. The application premises along with the adjoining car wash and repair centre are surrounded by residential uses. It is considered that the comprehensive residential redevelopment of the entire site between Hillcrest Avenue and Stonyhill Avenue would be the most appropriate long-term land use solution. As the site is under one ownership, comprehensive redevelopment is considered to be a realistic prospect.

On this basis, the Committee is respectfully recommended to grant planning permission for the continued use of the premises for furniture and carpet sales for a temporary period of five years subject to the conditions listed below. This recommendation is subject to the receipt of an appropriate sequential appraisal demonstrating that no sequentially preferable sites meeting the applicant's needs are available.

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

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

Recommended Decision: Grant Permission

Conditions and Reasons

1. The occupancy of the building and use of the premises for retail sales within class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall cease no later than five years from the date of this permission.

Reason: In order that the Local Planning Authority can retain control over the future development of the site so as not to undermine potential future investor confidence in the Council's commitment to safeguarding the viability and vitality of the established retail centres in the borough and so as not to prejudice the longer-term redevelopment potential of the site for more appropriate use in accordance with Policies BH1, BH11 and BH12 of the Blackpool Local Plan 2001-2016.

2. Notwithstanding condition 1 of this permission and the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the premises shall not be used for the sale of any goods other than those specified below, unless the prior written consent of the Local Planning Authority has been obtained:

- Carpets, linoleum, laminate and other floor coverings.
- Furniture and beds.
- Fitted kitchens, fitted bedrooms and bathrooms.

Reason: In order to limit the range of goods sold from the site to safeguard the vitality and viability of Blackpool Town Centre and the hierarchy of defined centres in accordance with the National Planning Policy Framework and Policies BH11 and BH12 of the Blackpool Local Plan 2001-2016.

3. No goods shall be stored or displayed for sale other than within the building shown on the approved plan.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

4. The forecourt of the premises shall not be used for any trade or business purposes.

Reason: In the interests of the appearance of the locality in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016.

5. The external service areas to the front, side and rear of the building shall not be used for the storage of materials or waste.

Reason: To safeguard the appearance of the site in accordance with Policies BH3 and LQ1 of the Blackpool Local Plan 2001- 2016.

Advice Notes to Developer

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