

**COMMITTEE DATE:** 13/11/2018

**Application Reference:** 18/0384

WARD: Anchorsholme

DATE REGISTERED: 06/06/18

LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission

APPLICANT: Melrose Developments Limited (1996) Pension Fund

**PROPOSAL:** Erection of a part two storey/part single storey building to comprise a retail store on the ground floor and 3 x two bedroom apartments above with 26 car parking spaces and associated vehicle access and service access from North Drive and vehicle egress onto Luton Road and including service yard, trolley and cycle store and landscaping.

**LOCATION:** ANCHORS HOLME METHODIST CHURCH, NORTH DRIVE, BLACKPOOL, FY5 3PG

---

**Summary of Recommendation:** Refuse

**CASE OFFICER**

Mr M Shaw

**BLACKPOOL COUNCIL PLAN 2015 -2020**

This application **does not** accord with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool **or Priority two of the Plan** - Communities: Creating stronger communities and increasing resilience.

**SUMMARY OF RECOMMENDATION**

The application has generated significant local and Member interest and objections to the proposed retail development. The application has raised four key issues:-

- retail policy
- highway/ pedestrian safety
- design of the building and its impact on the character and appearance of the area
- residential amenity

Whilst there are concerns and issues relating to highway and pedestrian safety and the impact on residential amenity, the two key issues are considered to be retail policy and the

design of the building and its impact on the character and appearance of the area. There are two dimensions to retail policy given that this is an out of centre proposal:-

1. sequential test (the potential availability of alternative sites/ premises within the catchment area of the application site)
2. impact of the retail store on local centres within the catchment area (since the Council introduced local thresholds for retail impact assessments in July 2018)

It is considered that the applicant has not satisfactorily carried out the sequential test. The application is therefore considered to be contrary to Paragraphs 85, 87 and 90 of the National Planning Policy Framework (NPPF) and Policy CS4 of the Core Strategy. It is also considered that the application would have a significant adverse impact on existing designated centres within the catchment area of the application site, including the Eastpines Drive Local Centre, and hence would be contrary to paragraphs 89 and 90 of the NPPF and Policy CS4 of the Core Strategy.

In terms of the design of the building and its impact on the character and appearance of the area it is also considered that the proposed building would adversely impact on the character and appearance of the area due to its size, bulk and positioning close up to the road frontages onto both Luton Road and North Drive. This would be at odds with the much greater setback of houses on the other three corners of the junction. The proposal would therefore also be contrary to paragraphs 124, 127 and 128 of the NPPF, Policies LQ2, LQ4 and BH3 of the Blackpool Local Plan and Policy CS7 of the Core Strategy.

In terms of traffic generation, highway safety, servicing details and car parking provision the application has also generated a significant number of comments and objections. Amendments have been made to the application to address comments made by the Head of Highways and Traffic Management. As amended, and with suitable conditions imposed on any approval, it is not considered that the application can be refused on highway or pedestrian safety grounds.

The applicant has provided a noise impact assessment with the proposal and whilst some queries have been raised it is not considered that with the addition of an acoustic fence positioned along the boundary with Neville Avenue and Luton Road gardens and, again, with suitable conditions included, that a refusal of planning permission could be substantiated on the grounds of noise and disturbance arising from the retail store and the associated activity.

## **SITE DESCRIPTION**

The application site measures 1870 sqm and is rectangular in shape having a frontage onto North Drive in excess of 53 metres and a frontage onto Luton Road of 29 metres. Until recently there was a church and church hall on the site which have now been demolished and the cleared site has been enclosed with hoardings. The character of the area is primarily residential although within close proximity of the application site is Anchorsholme Library, Eastpines Park, Anchorsholme Academy on Eastpines Drive and a designated local centre also on Eastpines Drive next to the school which includes two convenience stores.

The road junction of North Drive and Luton Road where the application site is located incorporates a mini roundabout, a pedestrian crossing on the south side of the junction, a pedestrian refuge island on each arm of the junction and pedestrian safety railings on each of the four corners. On the other three corners of this junction is a detached house and two pairs of semi-detached houses all set back between 6 and 7 metres from their respective road boundary thus creating a spacious, relatively green and open character to the junction. There is also a northbound bus stop on North Drive opposite the application site.

### **DETAILS OF PROPOSAL**

This is a detailed planning application for the erection of a part two storey/part single storey building comprising a 390 sqm retail store including a 111 sqm back of house area. The pedestrian entrance into the store would be positioned on the front corner of the store adjacent the road junction. Above the retail store on the first floor would be 3 x two bedroom flats. A total of 26 car parking spaces would be provided to the rear and side of the building and accessed (and egressed if required) from North Drive with an exit only onto Luton Road. Servicing access would also be provided from North Drive and the service yard would be located to the rear of the building.

The application has been amended following officer comments made regarding the scale and massing of the development and its car park and the resulting impact on the character of the area and adjoining residential amenity. The amendments reduced the proposal from part three storey/ part single storey incorporating six flats and 28 and parking spaces to part two storey/ part single storey with three flats and 26 parking spaces. Amendments have also been made to the proposed servicing details and an acoustic fence is now shown along the residential boundary to the site.

A Retail Impact Assessment has been submitted seeking to address concerns regarding the impact on nearby designated local centres including Eastpines Drive, Anchorsholme Lane West/ East and Fleetwood Road. The application is also accompanied by a Planning Statement, a Design and Access Statement, a Bat Survey, a Flood Risk Assessment and Drainage Management Strategy, a Sequential Assessment, a Transport Assessment and a Noise Impact Assessment.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- Principle of Retail/ Residential Re-development
- Highway and Pedestrian Safety/ Servicing and Car Parking Provision
- Design of the Development and its Impact on the Character of the Area
- Impact on Residential Amenity
- Any Other Matters

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

## **CONSULTATIONS**

**Environment Agency:** We have reviewed the revised Flood Risk Assessment (FRA) and it addresses the points raised in our previous response. As such, we **withdraw our objection** to the application as we are satisfied that the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding nor exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/ or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

We have fairly extensive footway crossings to accommodate large vehicles with little discussion of detailed design/appearance/construction. We could impose a condition requiring highway works to be agreed. However, unless we know how the servicing works we don't know what the crossings' dimensions need to be. If the crossings are sized to a smaller vehicle and a larger one turns up it will result in damage, which needs to be designed out or unloading will take place on the highway.

It has become common practice, at a number of sites with which I am familiar, for outgoing things, like cardboard on trolleys, to be routinely stored outside pending collection. Given the very limited space available this needs to be prevented by condition. We have a trolley store at the northern end of the car park but not at the other end. That will lead to dumped trolleys at the southern end. The cycle store is somewhat remote from the door, although cycle users tend not to have full trolleys. I don't understand the small refuse area and have assumed that it is for residents. It would be helpful to understand the size and number of container/ wheelie bins to be stored. The local authority refuse vehicles are 11m rigid vehicles. Swept paths are required in and out for access or an indication of how the containers are to be retrieved if it is not to enter the site.

However taking all matters into consideration, the amended plans are considered acceptable. The noise assessment and the area where the measurements have been taken are on the wrong side of the building, (away from gardens) nearest to the main road. If we are looking at the potential impact on neighbours behind the car park we need measurements to be taken on the other side (east side). I can imagine that measurements taken adjacent gardens may be significantly lower? Can we request additional monitoring to be carried out so this is taken into consideration?

**Agent's response** *"We do not believe additional measurements should be necessary for this site. There are two potential external noise sources at the site, noise from deliveries and noise from fixed plant. The delivery noise assessment has considered the residential windows of the proposed development directly above the delivery area (worst-affected windows) and the measurement position should be representative of ambient noise levels at these receptors during delivery periods. The areas referenced below to the rear of the site are much further from the delivery area and would also be mostly screened from any deliveries.*

***In terms of plant noise assessment, this has been carried out considering the background noise level (LA90) during the quietest periods of the daytime (typically just before 23:00 hours) and the night-time (typically around 03:00 hours). The background noise level during these periods is typically from extremely distant sources (i.e. distant motorways) and would generally be fairly equal across a site such as this. We therefore deemed the measurement position to be representative of background noise levels across the site during these quietest times."***

**Environmental Protection (Contaminated Land)** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**United Utilities (Water):** in accordance with the NPPF the development should be drained on a separate foul and surface water system with appropriate conditions attached.

**Electricity North West Ltd:** We have considered the above planning application and find it could have an impact on our infrastructure. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

**Waste Services Manager:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**County Archaeologist:** has requested a condition relating to a photographic record being carried out prior to demolition of the building. This condition was imposed on planning permission 17/0042.

## **PUBLICITY AND REPRESENTATIONS**

Two site notices displayed: 15 June 2018

Neighbours notified: 12 June 2018

Three letters of support have been received from 5 Kittiwake Close, Willoughby Avenue and 25 Gladstone Way. The points raised are as follows:-

- Would be glad with a new retail store as the shops on Eastpines Drive are inaccessible Monday to Friday due to school parking.
- This would be a great addition rather than the site being left to rot.
- A Co-op is a good branded store and would make a difference.
- A number of objectors do not live in the vicinity.
- With regards to the roundabout being an accident blackspot this is usually due to driver error and a new shop will not change an inability to navigate the junction.
- It is unfair to assume the Co-op will increase anti-social behaviour or sell alcohol to underage teenagers.

- A new store will not worsen the existing problem with school parking.
- A new store would be more convenient for some residents and commuters.
- Sadly churches are not what they once were and many are being re-developed.

### **Letter of objection from Councillor Tony Williams**

- This site is completely unsuitable for any type of retail operation.
- The adjacent roundabout has a history of deaths and other serious injuries through vehicle accidents.
- The last fatal incident resulted in a vehicle mounting the pavement and crashing through the church wall.
- It is also next to a Zebra crossing used as a main access to Anchorsholme School by small children and parents.
- Creating entrances and exits from this new proposed development would put enormous pressure on the high level of existing traffic using this main arterial road.
- There are no other retail units on the whole of North Drive or Luton Road East. The building would be totally out of context with the residential character of the neighbourhood.
- Noise from cars and customers would cause an environmental nuisance for residents especially in the evening.
- The store would have a serious impact on local traders on Eastpines Drive and Anchorsholme Lane which could see their businesses fail and jobs lost.
- The area is very well served with four local mini markets, a post office, take away restaurants, hairdressers, car accessories and a Large Lidl Store all within easy access to the residents of Anchorsholme.
- This new proposed development would bring nothing new to the area which isn't already available.
- The residents of Anchorsholme would receive no additional benefit from this store which would merely duplicate offers already available.
- It offers no life improvement to locals but seeks to capitalise on its own trade by the prominent position available.

### **Letter of objection from Councillor Paul Galley**

I wish to object to the proposed application and wish to speak at the Planning Committee when this item comes before the Committee:

My reasons for objecting are:

The retail element of this proposed scheme will undermine existing local economic centres at East Pines Drive, Norbreck and Anchorsholme Lane, all of which are protected in our core strategy / local plan. These are thriving local centres and any new development will undermine them especially as the area is also well served by a Lidl supermarket on Anchorsholme Lane West and a convenience store on Luton Road so is at full retail capacity.

Secondly, the number of accidents at the junction is very high with at one stage an accident a

week being reported locally. It was so bad this year that a meeting was arranged at the mini-roundabout with the Director of Highways to discuss safety options for the roundabout. With the local area already saturated by retail outlets, most users of this supermarket will be traveling to it by car and out of the area thus generating even more demand on this roundabout and the increased number of accidents is guaranteed to go up.

There is also a major concern about lack of parking. Residential units generate a fixed amount of traffic use over peak periods in the day but a retail use generates use all day and during deliveries, where will these extra vehicles park, once staff and the apartments of the flats is taken into account, the area already suffers with parking issues generated from the school, park, nursery and library and shops already in the area. Where will the delivery wagons park?

There are also concerns about the increased noise negatively affecting local residents during opening hours and the delivery times.

It's completely incongruous on the streetscene. There has been no effort made to make it "fit in" design wise. The scale is all wrong considering the height and footprints of existing buildings in that area.

The human rights of the existing residents will be affected, they will suffer with the extra noise and traffic generated from retail and the immediate neighbour will lose their right of privacy as their back garden will now look at a busy car park. Already since building work has started, a number of youths have been breaking in to the site and jumping in to their back garden.

Small supermarket car parks in the area are already a target for anti-social behaviour. Just look at Sainsbury's in Cleveleys and Tesco and Co-Op in Thornton. The area around East Pines Park, the nursery, school and the church building itself is currently suffering a major spike in anti-social behaviour and we as a Council and the police and community are trying to prevent this, not increase it.

**Letters of objection from the following:**

- 306, 316, 320, 328, 332, 333, 335, 342, 346 (x2), 347, 350, 353 (x2), 354A, 356, 365 (x2), 372, 387, 427 North Drive,
- 55, 56, 64, 112A, 119 Neville Avenue
- 50, 52, 66, 70 Luton Road.

**In addition letters of objection have been received from:**

- 212 Anchorsholme Lane East
- 3 Penswick Avenue
- 29 Bleasdale Avenue
- 18 Knight Close
- 135 Kirkstone Drive

- 27 Leith Avenue (x2)
- 25 Lyddesdale Avenue
- 305 Fleetwood Road
- 69 Northumberland Avenue
- 50 Melbourne Avenue
- 25, 35 Vermont Grove
- 19 Cresswood Avenue (x2)
- 7 Welwyn Place
- 6 Sevenoaks Drive
- 11 Kinnerton Place
- 17 Brentwood Avenue
- 4 Gladstone Way
- 7 and 48 Brentwood Avenue
- 1, 36 Eastpines Drive
- 10, 32 Heritage Way
- 23 Snowhill Crescent
- 49 Portree Road
- 5 Norman Close
- 19, 40 St Georges Avenue
- 10 Rossington Avenue
- 6 Rockville Avenue
- 1 Penswick Avenue (x2)
- 9, 17 Beryl Avenue
- 9 Hapton Street
- 17 Devonshire Avenue,
- 32 Hesketh Place (x2)
- 24 Breaker Wharf (x2)
- 1 Lansdale Court, Anchorholme Lane East
- 1 Seabrook Drive

One letter is on behalf of Friends of Eastpines Park

The grounds of objection are as follows:-

**Traffic/ highway issues**

- The adjacent roundabout is an accident blackspot and has previously caused fatalities and a number of people have been hospitalised.
- This junction has already seen accidents due to the volume of traffic and a shop would only increase this, as well as possible parking problems adding to the risk especially around school times.
- The proposal will only add to the number of accidents in the vicinity and there are near misses on a daily basis.
- Surrounding streets already suffer twice daily during the school runs.
- Cars turning in and out the site would add to the problems.



- Parking is already difficult with the shops and school on Eastpines Drive and would be made worse.
- The site access / egress is too close to the roundabout which is already too busy.
- Surprised to see how few accidents have been registered in the last five years.
- The proposal is closer to the site boundaries than the church which may restrict visibility.
- Many of the parking spaces would be taken up with residents of the flats and more parking spaces should be provided.
- Parents walk their children across this junction every day on their way to school and nursery and it is already dangerous.
- Insufficient parking in the area and an increase in traffic will cause potential road safety issues.
- When the church was open on-street parking made it very difficult for residents to back out of their driveways.
- Comparison with the former church / community building is not appropriate given the site has not been in full use for over 12 months.
- A residential development would not generate any Heavy Goods Vehicle movements.
- The swept path for Heavy Goods Vehicle movements is exceedingly tight with the risk that exiting vehicles will mount the kerb potentially causing damage.
- Is one space per flat really adequate? It does not make any allowance for visitors.
- Poor visibility for cars approaching the roundabout.
- There is a well used zebra crossing close to the junction and this is one of the busiest roads on the Fylde Coast and it is deemed necessary to have a crossing guard at the crossing during term time.
- The site is on a busy bus route and not very wide for the volume of traffic.
- 12 buses an hour pass through the junction.

#### **Impact on the character of the area**

- The proposal is out of character, would be an eyesore and totally inappropriate.
- The style of building will not fit in well.
- The building would be twice as tall as any other building in the area dominating the skyline.
- Flats will not fit with the area.
- It is completely incongruous in the street scene and no effort has been made to fit in design wise.

#### **Existing retail provision**

- The area is already served by several convenience stores in more established locations.
- The proposal would have a negative impact on shops on Eastpines Drive and Anchorsholme Lane both within a quarter of a mile of the site.
- Within easy walking distance is a One Stop 400m, a Best One 400m, Sam's Convenience 400m, McColls 600m. Between them they offer the necessities for everyday living. Undue competition from a major retailer could lead to empty shops on Eastpines Drive or Anchorsholme Lane thus blighting the area. Slightly further afield is a greater selection of shops.
- Empty shops might end up as charity shops or boarded up.

- The proposal will undermine existing thriving local centres.
- Bustling Cleveleys town centre is less than a mile away.

### **Impact on residential amenity**

- A late night store may attract more anti-social behaviour which is already a problem including drinking, crime, litter and vandalism.
- Early morning and late evening noise would be a problem for local residents, many of whom are elderly.
- The proposal would result in overlooking and loss of light/ sunlight for nearby residents.
- If approval is granted limits should be imposed on the size of delivery vehicles and delivery hours.
- Heavy Goods Vehicles would carry out deliveries which would cause disruption and disturbance night and day as would refuse collection vehicles.
- The human rights of existing residents will be affected. Back gardens will overlook a busy car park.
- The demolition and construction process will cause unnecessary stress and worry to local residents who are elderly and vulnerable. The sale of alcohol would cause amenity problems.

### **Other Matters**

- It was understood only housing was going to be built. Housing would be more in keeping with the rest of the area.
- We need small new build houses for first time buyers.
- Property values have already been reduced.
- The area is crying out for a community centre for the young.
- Site better used for community use as a single storey building with no flats.
- If there is an issue with flood risk then perhaps the builder should develop somewhere else.
- There are drainage issues in the area and with the proposal having little soft landscaping this will mean more pressure on the surface water drains. A housing development will give more soft landscaping.

**Local residents were re-notified on the amendments to the application on 29 August 2018 and a further 16 letters of objection have been received re-iterating earlier objections to the application outlined above from:**

- 332, 342 and 351 North Drive
- 52, 66 Luton Road
- 6 Sevenoaks Drive
- 24 Neville Avenue
- 48 Seabrook Drive
- 6 Wood Green Drive
- 17 Brentwood Avenue
- 19 (x2) Cresswood Avenue

- 7 Welwyn Place
- 3 Penswick Avenue
- An unknown address on Warbreck Drive

**A number of local residents have also been more recently notified on the introduction of the egress onto Luton Road. Any further comments received will be reported via the Update Note.**

### **NATIONAL PLANNING POLICY FRAMEWORK**

The revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should not usually be granted. The relevant chapters are:-

- 'delivering a sufficient supply of homes'
- 'building a strong, competitive economy'- .....ensure the planning system does everything it can to support sustainable economic growth
- 'ensuring the vitality of town centres'- paragraphs 86-90 .....define the extent and hierarchy of town centres and promote their long term vitality and viability. Local planning authorities should apply a sequential test to applications 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 should out of centre sites be considered. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact it should be refused.
- 'promoting healthy and safe communities'
- 'making effective use of land'
- 'achieving well designed places' paragraphs 124, 127 and 128.....the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 'meeting the challenge of climate change, flooding and coastal change'

### **NATIONAL PLANNING PRACTICE GUIDANCE**

Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).

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

The Blackpool Local Plan Part 1: Core Strategy has been adopted by the Council at its meeting on 20 January 2016. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

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

- CS1 - Strategic Location for Development
- CS4- Retail and Other Town Centre Uses
- CS5 - Connectivity
- CS7 - Quality of Design
- CS9 - Water Management
- CS10 - Sustainable Design
- CS12- Sustainable Neighbourhoods
- CS13- Housing Mix, Density and Standards

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

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

The following policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ3 Layout of Streets and Spaces
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- HN4 Windfall Sites
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- AS1 General Development Requirements

**BLACKPOOL RETAIL, LEISURE AND HOTEL STUDY 2018** - Members will be aware that the Council has to have a robust evidence base to underpin its Local Plan. To assist with the preparation of Part 2 of the Local Plan the Council commissioned the preparation of a new retail, leisure and hotel study. The findings and recommendations of the Study were endorsed by the Council's Executive at its meeting on 16 July 2018.

**LOCAL IMPACT THRESHOLD 2018** - The NPPF sets a threshold for impact assessments to be undertaken for out of centre retail and leisure proposals over 2500sqm (gross floorspace) unless a local threshold is set. The Blackpool Retail, Leisure and Hotel Study 2018 recommended impact thresholds for out of centre development. In the case of retail or leisure development within 800 metres of a local centre the threshold is 200 sqm or greater. This figure was endorsed by the Council's Executive at its meeting on 16 July 2018.

## **ASSESSMENT**

**Principle of Residential Re-development** - the former church and church hall on the site was demolished some months ago and since then the site has been enclosed with temporary hoardings along the two road frontages. There have been two planning permissions granted for the residential re-development of the site under application references 14/0828 and 17/0042 involving the erection of five x two storey houses and the erection of eight x two storey houses respectively. Therefore the principle of residential re-development on the site has already been established and continues to be an acceptable use of the application site, although the contribution of the application proposal to the town's housing supply is not considered sufficient to outweigh the other concerns as set out below.

**Principle of Retail Re-development** - the application site is unallocated and over 300 metres from the nearest designated local centre on Eastpines Drive. Members will be aware that the purpose of national and local retail policy is to protect the vitality and viability of existing centres. Given that this site is not within a District or Local Centre there is a need to fulfil set criteria in terms of retail policy namely:-

- a sequential test
- an impact assessment

These need to be considered in relation to national and local policy and the findings of the Blackpool Retail, Leisure and Hotel Study 2018. The key findings of the Study are:-

- there is no quantitative requirement for additional convenience food retail floorspace within Blackpool's catchment up to 2032.
- there is a qualitative need for an additional foodstore within Blackpool Town Centre or if a site is not available within the Town Centre then on the edge of the Town Centre.
- there is a need to introduce local impact thresholds (adopted by Executive on 16 July 2018)

The applicant's agent has commissioned a sequential test and impact assessment, the latter was prepared by Alyn Nicholls. The catchment area identified in the Blackpool Retail, Leisure and Hotel Study and agreed with the applicant extends from the northern boundary of Cleveleys to Norbreck Road in the south and eastwards to Fleetwood Road North/ South in Thornton.

Within the catchment area and relatively close to the application site is Cleveleys Town Centre and three Local Centres in Blackpool, namely:-

- Anchorsholme Lane East/West
- Fleetwood Road
- Eastpines Drive (closest to the application site)

In terms of the sequential test it is acknowledged that there are no suitable sites/ premises within the Local Centres. However, there are considered to be sites available in Cleveleys Town Centre. It is therefore considered that the applicant has not satisfactorily undertaken the sequential test and hence the proposal is contrary to paragraphs 86, 87 and 90 of the NPPF and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy. In terms of its impact, given the threshold introduced in July 2018, the applicant also needs to demonstrate that there is not a 'significant' adverse impact on Cleveleys Town Centre and the three designated Local Centres. The purpose of these Centres is to meet the day to day needs of residents who live within walking distance of the Centres. In addition the applicant needs to demonstrate that there is no impact on existing, committed and planned investment in Centres in the catchment area. With regard to the second aspect it is not considered there would be significant adverse impact on existing, planned or committed investment.

In terms of the impact on Cleveleys Town Centre and the three Local Centres, Eastpines Drive, Fleetwood Road and Anchorsholme Lane East, it is not considered that there would be a significant adverse impact on Cleveleys Town Centre. In terms of the Local Centres it is contended that certain assumptions in the retail impact assessment are incorrect:-

- turnover per sqm is likely to be greater and hence overall turnover of the store would be greater than indicated.
- the percentage of turnover drawn from the catchment area is more likely to be higher than the 80% figure given.
- the store would trade principally as a top-up shop destination (as other similar sized stores do) and would take trade from existing top-up shops, including two convenience stores within the Eastpines Drive Local Centre.
- the impact on larger stores in the catchment area, including Morrisons and Aldi, is overestimated.

Local Centres provide an important function in providing shops within walking distance of local residents. Any loss of shops within the Centres would adversely affect local communities. Whilst the Local Centres appear relatively robust at the present, consideration needs to be given to what the situation could be in five years time. Notwithstanding the submitted impact statement, it is considered that the proposal would have a significant

adverse impact on nearby Local Centres contrary to paragraphs 89 and 90 of the NPPF and Policy CS4 of the Core Strategy.

**Highway and Pedestrian Safety/ Servicing and Car Parking Provision-** The proposal has been the subject of on-going discussions regarding means of access to the site, and servicing details in particular and has been amended several times to address comments and concerns raised. An egress has been introduced onto Luton Road and the North Drive access could be designated as an access only or access and egress. Servicing to the store would be from a designated bay on the North Drive frontage. As amended, the servicing and access/ egress details have been shown to satisfactorily work and to satisfy highway safety concerns and with the imposition of appropriate conditions, the proposal is now considered acceptable.

Adopted Council car parking standards require a maximum of one space per 16 sqm of gross floorspace which for 390 sqm of gross retail floorspace equates to a requirement for 24 car parking spaces. There would be an additional requirement of car parking facilities for the three flats. However, it should be noted that the car parking standards are maximum standards and on the basis that the application site is in a sustainable location the proposal is considered acceptable in terms of its car parking provision of 26 spaces.

**Design of the Development and its Impact on the Character of the Area-** Anchorsholme Methodist Church and church hall was a part two/ part single storey building dating from the 1930s and although it was not listed or locally listed it was nevertheless an attractive period building occupying the prominent corner plot. It was also set back 6-7 metres from its frontages onto both Luton Road and North Drive in keeping with the building lines established by housing within the area which date from the same era. The setback of the church also created a green, landscaped setting to the site.

The proposal has been reduced in scale from part three/ part single storey to part two/ part single storey deleting three flats from the second floor. However the proposed building is still positioned between 2m and 2.8m back from the North Drive boundary, the single storey back of house area to the store is 7m from the North Drive boundary. The proposed building is between 3m and 3.9m from the Luton Road boundary. The proposed building would have a 11.5m frontage onto Luton Road (not including the chamfered entrance into the store) and a 27m frontage onto North Drive, again not including the chamfered entrance into the store. The adjacent houses are approximately 7m to the ridge line of the pitched roof which matches the eaves level of the proposed two storey building. The ridge line of the proposed two storey section of the proposed building is 12m high.

Whilst prominent corner plots can sometimes satisfactorily accommodate a larger building the proposal does not just involve a significantly larger building than those within the vicinity (much higher and longer) but also much closer to the two road frontages which exacerbates the visual impact on the surrounding area. The proposal is therefore considered to be out of character with the surrounding residential area due its close proximity to the road frontages, its length, eaves height, ridge height and bulky roof form. As such it is considered to be contrary to paragraphs 124, 127 and 128 of the NPPF, Policies LQ2, LQ4 and BH3 of the Local Plan and Policy CS7 of the Core Strategy.

**Impact on Residential Amenity-** the former church and church hall on the site would have generated traffic to and from the site during church services and social activities within the church hall. These activities would have included weekends and evenings. There would have been a certain amount of noise and disturbance from these activities although the church and its church hall were long established land uses within the area.

The proposed retail store involves a much higher level of use from early morning until late evening, the proposed hours of business are given as 7am until 10pm, 7 days a week. The proposed car parking area occupies the bulk of land available at the site, adjacent the rear gardens of houses on Neville Avenue and adjacent 95 Luton Road, and the rear boundary. Servicing would be via North Drive close to the site frontage. The proposal indicates that an acoustic fence will be erected along the boundary with Neville Avenue and 95 Luton Road to reduce the potential noise impact of cars and people coming and going from the car park. Whilst concerns have been raised regarding noise levels from the proposal it is not uncommon for retail stores to adjoin residential property and with the acoustic fence and appropriate conditions including a restriction of store opening times and a restriction on the times of deliveries to the site it is considered that the retail proposal can be controlled to an acceptable level and therefore the proposal does not warrant a refusal on this ground.

Whilst some sites and developments including parks, shops or even bus shelters can be a focus of anti-social behaviour it is difficult to say with any conviction that the proposal will itself attract such unwanted attention. As with any site or development this is a site management issue and it would be responsibility of future occupants of the site to deal with in an appropriate and proportionate manner.

### **Other Matters**

**Employment** - The application form states that 10 full time jobs and 15 part time jobs will be created by the retail proposal. Whilst this would be a significant benefit it would need to be counter-balanced against the expected reduction of trade at existing shops within the area which may ultimately result with existing jobs being lost.

**Alternative Development** - a number of local residents have commented that houses should be built on the site. However, this mixed retail with ancillary residential application has been assessed on its own merits and not on the basis that another form of development is more preferable to the one currently under consideration.

**Flood Risk** - the initial objection from the Environment Agency has been addressed with the submission of a revised Flood Risk Assessment and this objection to the application has now been removed.

**Drainage** - there would be a requirement for any development on the site to be drained on a separate foul and surface water system and this would be ensured via the imposition of appropriate conditions on any planning permission.



**Archaeology** - a condition requiring the photographic recording of the former church was imposed on the housing planning permission reference: 17/0042 and Lancashire County Council requested that the same condition be imposed on any approval of the current application. It is not clear whether this work has been carried out. This matter has been taken up with the agent and an update will be given prior to the meeting.

## **CONCLUSION**

The application has raised considerable local and Member interest and there are a number of issues to consider with the application including the application of retail policy, the sequential test and impact on Local Centres, visual impact of the development on the character of the area, highway safety/ traffic generation/ car parking and servicing and the potential noise impact of the development.

Whilst it could be argued that there are some economic benefits and the provision of additional housing would weigh in its favour, these benefits are outweighed by the applicant not having satisfied the sequential test and due to the adverse impact of the proposed store on nearby designated Centres, including at Eastpines Drive. Any benefits are also outweighed by the visual impact of the proposed store on the streetscene and the character of the area. This is discussed in more detail above with reference to the relevant policies. Other matters have been addressed with the submission of amended plans and additional information or can be satisfactorily dealt with via appropriate conditions which could be imposed on any planning permission.

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

None

## **HUMAN RIGHTS ACT**

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

## **CRIME AND DISORDER ACT 1998**

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

## **BACKGROUND PAPERS**

Planning Application file(s) relating to the application site references 14/0828 (erection of five houses), 17/0042 (erection of eight houses) and 18/0384 can be accessed via the link below:

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

**Recommended Decision:** Refuse

### **Reasons**

1. The proposed development involves a Class A1 retail use outside a designated Town, District or Local Centre and there are considered to be sequentially more preferable site(s) for such development and hence if approved the proposal would undermine the Council's objectives of protecting the vitality and viability of existing designated Centres and set a precedent making it difficult for the Council to resist future applications for other out of centre retail proposals elsewhere in the Borough. The proposal is therefore contrary to Policy CS4 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 and paragraphs 86, 87 and 90 of the National Planning Policy Framework.
2. The retail development would have a significant adverse impact on existing designated Local Centres within the catchment area of the application site including the Eastpines Drive Local Centre and hence would be contrary to paragraphs 89 and 90 of the NPPF and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.
3. The proposed building would be an overly dominant and incongruous addition which would be out of character within the streetscene and significantly detrimental to the appearance of the area due to its size, massing, close proximity to the site frontages and prominent and exposed location of the application site. As such the proposal would be contrary to Policies LQ2, LQ3 and LQ4 of the Blackpool Local Plan 2001-2016, Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and paragraphs 124, 127 and 128 of the NPPF.
4. **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 38)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

### **Advice Notes to Developer**

Not applicable