

**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.