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MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 14 JUNE 2022

Present:

Councillor Owen (in the Chair)

Councillors

Baker	Farrell	O'Hara
G Coleman	Kirkland	Stansfield

In Attendance:

Susan Parker, Head of Development Management
Ian Curtis, Legal Officer
Jenni Cook, Democratic Governance Senior Adviser
Latif Patel, Network Planning and Projects Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE MEETING HELD ON 22 MARCH 2022

Resolved:

That the minutes of the Planning Committee held on 22 March 2022 be approved and signed by the Chair as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee considered a report on planning enforcement appeals lodged since the last meeting. Two appeals had been lodged and seven appeals determined. Of the seven appeals determined two had been allowed in respect of Squires Gate Industrial Estate and the Gypsy and Traveller site at Midgeland Road and Ms Susan Parker, Head of Development Management, provided the Committee with an overview of these two appeals. In relation to Squires Gate, the Inspector had attached conditions which dealt with most of the Planning Officers' concerns and the Planning Enforcement Team would remain vigilant in respect of the site.

In relation to the Gypsy and Traveller site refused by the Council and noted at paragraph 7.2 of the officer report, Ms Parker advised the Committee that although the Council had met its requirements in respect of Gypsy and Traveller provision, should a site be deemed suitable, planning permission could still be granted, as each application would be determined under its own merits.

In response to questions from the Committee, Ms Parker confirmed that when the Inspector allowed an appeal, the Council would only incur costs if the Inspector determined that the Council had acted in an unreasonable manner, which had not been the case for either of these appeals.

Resolved:

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To note the update.

4 PLANNING ENFORCEMENT UPDATE REPORT - MARCH 2022

The Planning Committee considered an update on enforcement activity in Blackpool from 1 March 2022 to 31 March 2022.

In total 56 new cases had been registered for investigation in March 2022 and as at 31 March 2022, there were 439 “live” complaints outstanding.

Resolved:

To note the update.

5 PLANNING ENFORCEMENT UPDATE REPORT - APRIL 2022

The Planning Committee considered an update on enforcement activity in Blackpool from 1 April 2022 to 30 April 2022.

In total 54 new cases had been registered for investigation in April 2022 and as at 30 April 2022 there were 422 “live” complaints outstanding.

Resolved:

To note the update.

6 PLANNING APPLICATION 22/0037: ANCHORSHOLME SERVICE STATION, 332 FLEETWOOD ROAD, BLACKPOOL

The Planning Committee considered application number 22/0037 for the erection of a single storey convenience store and provision of associated parking and landscaping following demolition of the existing petrol station and convenience store at Anchorsholme Service Station, 332 Fleetwood Road, Blackpool.

Ms S Parker, Head of Development Management outlined the report and provided a summary of the application and details of the proposal and noted that the existing retail unit had a floor space of 161 square metres and the proposed new unit would have a floor space of 490 square metres, which was approximately three times bigger. The application site was located on the edge of the defined Anchorsholme Lane local centre, however this did not fall within a defined shopping area.

The Committee was advised that paragraph 20 of the National Planning Policy Framework and policy CS4 of the local plan required a proposal such as the proposed development to be located in accordance with a sequential test. Preference was given to in-centre locations, edge-of-centre locations, and then to out-of-centre sites. Although the applicant had submitted a sequential appraisal in support of the proposal, the appraisal only considered the nearby Anchorsholme Lane local centre and Cleveleys town centre. No justification for limited the area of search to the northern part of the town had been given and the Committee was reminded that the identity of the end-retailer was not a material planning consideration.

Ms Parker advised that it was the responsibility of the applicant to demonstrate that no

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suitable, available, and sequentially preferable alternative sites were available. Planning Officers considered that this had not been satisfactorily demonstrated and that there may be sites capable of accommodating the proposed development within designated shopping centres elsewhere in the borough. As these had not been considered by the applicant's assessment, the sequential test had not been passed.

Ms Parker noted that the applicant had not undertaken an impact appraisal and existing convenience shopping provision already existed within the local centre in the form of a Lidl supermarket and a McColl's convenience store. Both of these stores could be affected detrimentally by the proposed application and the Committee was advised that the application had not carried out an assessment of this potential impact.

The site fell within flood zone 3 and a sequential test applied to any development within flood zones with the order of preference given to development within zones 1 and 2 before development in flood zone 3 could be permitted. Ms Parker advised the Committee that the applicant had not undertaken a sequential appraisal in relation to flood risk.

Ms Parker noted that the applicant had contacted Committee members in respect of the benefits of the application, however, Planning Officers remained of the opinion that their letter did not raise any substantive new points had not already been addressed in the report or were not already in the public domain. Although the scheme would result in job creation and economic development, this did not weigh sufficiently in favour of the proposal to outweigh the harm that would arise from unjustified retail development outside of a defined shopping area. The Committee was reminded that whilst all applications should be considered on their own merits, an approval would make it harder for the Council to resist similar schemes in similar circumstances, further undermining the Council's approach to safeguard the town centre.

The applicant was of the view that that other land uses would not be viable on the site due to anticipated remediation costs arising from land contamination, however these costs had not been quantified and therefore Officers were of the view that a substantive viability case had not been presented. The site was brownfield and in a relatively prominent position and although re-development of the site would represent effective use of the land, this could be achieved through other policy-compliant forms of development and no evidence had been submitted to demonstrate that these other forms of development had been explored. Ms Parker advised the Committee that the benefits of re-using the site as proposed did not sufficiently override the harm that could be caused by undermining the Council's approach to safeguarding the established retail hierarchy and managing flood risk.

Ms Parker acknowledged that whilst the scheme, the design and level of parking provision was considered acceptable and that residential amenity and highway safety, ecology, drainage and flood risk could be adequately safeguarded through condition, the proposed scheme remained unacceptable in principle for the reasons set out in the officer report and as such the Committee was respectfully recommended to refuse planning permission.

Mr N Tongue spoke in favour of the application on behalf of the applicant and advised the Committee that the site currently housed a struggling petrol station and the applicant

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was preparing to invest £2.5million in the site, which would include demolition costs. Development of the site would avoid it being vacant in the long-term and prevent any less-desirable use of the site. In addition the development would create 25 jobs and support economic development of the area, which was supported by the National Planning Policy Framework and emerging planning policy.

Mr Tongue advised the Committee that the proposals included five electric vehicle charging points with the potential for more which could help the Council to meet its 'Net Zero' targets with respect to carbon emissions. A comprehensive sequential assessment had been carried out which was robust and had been carried out in accordance with prevailing case law. The applicant considered the submitted flood risk sequential assessment to be acceptable and the Environment Agency had not noted any concerns. Mr Tongue drew the Committee's attention to Section 78 of the Town and Country Planning Act and respectfully requested that the Committee approved the application.

The Committee discussed the application and the proximity of the nearby Lidl. Ms Parker clarified the shopping area boundaries were clearly defined and there were no proposals to change these.

Resolved:

That planning permission is refused for the following reasons:

1. 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.
2. 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.

7 PLANNING APPLICATION: 22/0054: FORMER BAGULEYS GARDEN CENTRE, MIDGELAND ROAD, BLACKPOOL

The Planning Committee considered planning application 22/0054 for the erection of 5 detached bungalows for people of the age of 55, with associated garages, landscaping and utilising existing access from Midgeland Road (via Birchwood Gardens) at the former Baguley's Garden Centre, Midgeland Road, Blackpool.

Ms S Parker, Head of Development Management, outlined the report and provided a summary of the application and details of the proposal. The application was in respect of

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land bound by Stockydale Road to the east, houses to the north and south, and the former Baguleys garden centre to the west. The site had an extensive planning history and Ms Parker provided a brief summary of this, drawing the Committee's attention to an outline planning permission granted in 2012 for 36 dwellings covering both the application site and adjoining land. This had been granted during a time when the council had been unable to demonstrate a five-year supply of housing land and consequently the 'tilted planning balance' had applied. Although reserved matters approval was granted in 2016, the permission was never implemented and lapsed in September 2018. By then, the Council was able to demonstrate a five-year housing land supply and the tilted planning balance no longer applied to override the policies which prevented development on Marton Moss. In 2019 planning permission was granted for 12 bungalows on the former Baguleys site as the site was previously developed land and in poor condition. The land outlined in the application remained as undeveloped greenfield land and the applicant was advised that development of this site would not be supported until a Neighbourhood Plan, identifying it as suitable for housing, had been adopted.

The current application sought planning permission for five bungalows each with an attached garage, and the bungalows would accommodate people over 55 years of age. Ms Parker drew the Committee's attention to the Update Note, which stated that the garages had been repositioned to pull them away from Stockydale Road to alleviate the concern that they would appear overly-prominent in the street scene. Two garages would be linked, which would make two of the properties effectively semi-detached and in terms of design and levels of amenity and car parking, no objections were raised, biodiversity could be appropriately safeguarded for or compensated for and no undue impacts on environmental quality were anticipated.

The proposal did not generate a requirement for contributions towards local education or health provision and included sufficient public open space to meet identified needs. A financial contribution towards affordable housing would be required and the Committee was advised that until a Supplementary Planning Document was in place, there was currently no method with which to calculate a contribution.

The Committee was informed that nine representations of support, four of which come from residents of the new development on the old Baguleys site had been received. One representation had raised concerns about drainage and flooding and if the Committee was minded to approve the application then these could be dealt with by planning condition.

Ms Parker advised the Committee that despite the considerations in favour of the proposal the recommendation remained one of refusal as the legal starting point for the determination of planning applications was the Development Plan. Policy CS26 of the Core Strategy, which formed part of the Development Plan, precluded development (that did not accord with strict criteria) in advance of the adoption of a Neighbourhood Plan. There was currently no Neighbourhood Plan in place for the area meaning that the proposal was contrary to the provision of adopted Policy CS26 and the Council was not in a position of housing need, meaning that a tilted planning balance was not engaged.

The Committee was informed that a draft Neighbourhood Plan had been published for consultation and summarised the consultation and adoption process. Ms Parker noted that in accordance with the provisions of the National Planning Policy Framework the

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weight that could be attached to the Neighbourhood Plan would increase as it moved through the process and at present, the plan was at too early a stage to attach significant weight to it. The applicant had been advised to hold the application in abeyance until the Neighbourhood Plan had progressed further, but had requested that it be determined under the current policy framework, meaning that the full weight of Policy CS26 of the Core Strategy had been applied. As previously stated and in the opinion of Planning Officers, the Neighbourhood Plan was currently considered to hold limited weight.

The Committee was respectfully recommended to refuse the application for the first reason set out in the officer report as the second reason had been addressed through the submission of amended plans.

Ms J Fox, Fox Planning Consultancy, spoke on behalf of the applicant in favour of the application and informed the Committee that the previous permission had been for 22 two-storey houses and the current application was for a lower density of development, being five bungalows. The application was consistent with the aim and objectives of National Planning Policy, there had been no objections from the Marton Moss Forum, and there was community support in favour of the application.

Ms Fox advised the Committee that although the land was designated as greenfield, the land had previously contained buildings and therefore could be considered to be part brownfield. The site currently had a derelict appearance and was overgrown in places. In respect of the landscape management plan, retention of the 2.5 metre hedges on Stockydale Road would act as an effective buffer and soft boundary between urban development and Marton Moss. The impact on the street scene would be minimal and would respect the character of the existing development.

Ms K Bannister spoke in favour of the application on behalf of her parents who were residents on the existing development on behalf of other residents. She advised the Committee that residents were aware of the site's planning history, expected that there would eventually be development on this land and welcomed the addition of five bungalows. At present fly tipping was taking place on this land, making the current residents feel vulnerable.

Ms Bannister informed the Committee that the Marton Moss Neighbourhood Forum was supportive of the additional five bungalows and that the application would support and enhance the area.

Ms Parker advised the Committee that planning officers did not agree that the application site could be considered to be part brownfield, that the site was thoroughly vegetated, and it was the site owner's responsibility to maintain the land in a good condition.

The Committee discussed the application and the Chair noted that development was welcomed on the site, however this needed to be at the right time, once the Neighbourhood Plan was in place and the scheme could be supported by planning policy. The Committee acknowledged that the previous application was for 22 dwellings and that it could be some considerable time before the Neighbourhood Plan was approved.

At the invitation of the Chair, Mr I Curtis, Legal Advisor to the Committee, advised that the Committee's starting point was Policy CS26 of the Development Plan and, in his view,

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since policy CS26 was specifically directed to Marton Moss and to the present circumstances, which were that a neighbourhood plan was in active preparation but had not been made, much weight could be given to the planning officer's assessment and recommendation to refuse.

In response to comments made by the Committee, Ms Parker advised that the timeline for approval of Neighbourhood Plans was driven by the Neighbourhood Forum, not the Council and re-iterated the adoption process. If the Committee was minded to grant the application then this could set a precedent for other applications on Marton Moss to be submitted, before the Neighbourhood Plan was approved and in place.

The Committee acknowledged that Marton Moss was a sensitive area in which development needed to be controlled in order to protect green space. It was also noted that the Marton Moss Forum was supportive of the application and that it was rare to see an application in the area with public support behind it. However, the Committee acknowledged that an approval at this stage, prior to the due process of the Neighbourhood Plan, could set a precedent.

Resolved:

That the application is refused for the following reason:

1. The proposals would occupy greenfield land and would not meet any of the specified circumstances in which new residential development would be acceptable within the Marton Moss Strategic Site in advance of the adoption of a Neighbourhood Plan for the area. As proposed, the development would have a significant and unacceptable impact upon the green, open and semi-rural character of this area of the Moss. No material planning considerations have been identified which would outweigh this conflict with policy. Whilst all applications must be determined on their own merits, an approval in this instance would make it harder for the Council to resist similar proposals in similar circumstances which would lead to a greater cumulative impact. As such, the scheme would have an unacceptable impact on the character of the Marton Moss Strategic Site and would be contrary to Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8 DATE OF NEXT MEETING

Resolved:

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

Chairman

(The meeting ended at 6.51 pm)

Any queries regarding these minutes, please contact:
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