

**Officer Report to Committee**

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**Application ref:** 22/0195  
**Ward:** Clifton  
**Application type:** Full Planning Permission  
**Location:** Unit 1, Clifton Retail Park, Clifton Road, Blackpool, FY4 4US  
**Proposal:** Erection of 2 Storey Side Extension and Alterations to Front Elevation of Existing Building.  
**Recommendation:** Approve  
**Case officer:** Caron Taylor  
**Case officer contact:** 01253 342597  
**Meeting date:** 26/07/22

**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 It is considered that the application would accord with the first priority as it would provide new economic development in the borough without detriment to the existing retail hierarchy of centres.

**2.0 SUMMARY OF RECOMMENDATION**

2.1 The application proposes an extension and external alterations to an existing retail unit at Clifton Retail Park (currently trading as Next). A sequential assessment has been submitted and it is agreed that there are no sequentially preferable sites on which it could be located. It is also not considered that the application proposal would have any material impact on existing investment being successfully realised or that any centre would be the subject of an unacceptable impact. All other aspects of the development are considered acceptable subject to conditions.

**3.0 INTRODUCTION**

3.1 This application is before Members because of the significance of the scheme.

**4.0 SITE DESCRIPTION**

4.1 The application site is located on Clifton Retail Park. It is the end unit of three attached retail units (and the undeveloped land adjacent to it) currently trading as Next, which sits alongside Matalan and Clarks Outlet stores. These are sited adjacent to a Tesco Extra store. All four stores share one car park and access point off a roundabout on Clifton Road. The site is not subject to any other specific designations or constraints, although it is in the Aerodrome Safeguarding Area.

## **5.0 DETAILS OF PROPOSAL**

- 5.1 The application provides for the erection of a two-storey side extension and alterations to the front elevation of the existing building, to provide an additional 1,466 sq.m (gross) floor space within Use Class E(a) at the existing Next unit, Unit 1, Clifton Retail Park. The extension will allow Next to offer a much larger range of bulky 'Next Home' goods. No changes to opening hours, or to the existing conditions controlling the use of the floorspace within the unit are proposed.
- 5.1.2 The application has been supported by:
- Design and Access Statement
  - Planning Statement (including sequential assessment)
  - External Materials Details
  - Topographical Survey
  - Geo-environmental and Geotechnical Preliminary Risk Assessment
  - Landscaping Details
  - Drainage Strategy
  - 3D Artist's Impression
  - BREEAM Pre-Assessment Report

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 Outline planning permission reference 93/0651 for the existing building and attached retail stores was granted in November 1993 for the erection of a retail development on land adjacent to the Tesco foodstore.
- 6.1.2 Condition 6 of this permission prohibits the sale of food or drinks from the approved floorspace, and Condition 7 prohibits a retail unit comprising a gross floorspace of less than 5,000 sq.ft (equivalent to approximately 465 sq.m). Beyond these two conditions, the 1993 permission does not restrict the amount of net floorspace within which retailers can trade. Reserved matters for the units was approved under reference 94/0067.
- 6.1.3 Following this, a certificate of lawful development for the erection of a mezzanine floor within Units 1 and 2 (Next and Matalan) was approved in May 2006 and this was installed (ref: 06/0244).
- 6.1.4 In 2010 (ref: 09/1573) planning permission was refused for a standalone retail unit attached to the side of the existing Next store, on a similar site to the current application. The applicant applied for an unrestricted retail permission which would allow the sale of all non-food goods. This was refused on two grounds: 1) the unit would have an adverse impact upon the vitality and viability of the Town Centre and therefore compromise regeneration strategies; 2) it would not constitute a high quality of sympathetic extension to the existing terrace of retail units and would look incongruous within the streetscene.

## **7.0 MAIN PLANNING ISSUES**

- 7.1 The main planning issues are considered to be:
- the principle of development
  - design, layout and visual impact
  - impact on residential amenity
  - highway impact etc.

## **8.0 CONSULTATION RESPONSES**

- 8.1 **Environment Agency** - Have no objection to the application but make comments regarding land contamination. They state the development site appears to have been the subject of past industrial activity (former Marton Gasworks and landfill), which poses a high risk of pollution to controlled waters. They recommend reference is made to their 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing the site's risks to the water environment. They also advise consultation with the Council's Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, they recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.
- 8.2 **Cadent Gas** - Have no objection to the application having reviewed the proposal. They ask for an informative note to be added to any decision notice. The plans Cadent have provided only show low and medium pressure mains in the vicinity of the site. As they are not high pressure there is no statutory requirement to input the details into the Health and Safety Executive's Planning Advice Web App.
- 8.3 **Fylde Borough Council** - No response received.
- 8.4 **Local Highway Authority** - Have no objection to the application. They have no issues with the Transport Statement. Comparing the Gross Floor Area of the proposal and the parking requirements to those of the total site they consider the effect of the additional floorspace would not be severe. In addition there is no obvious further space for expansion elsewhere within the site without reducing parking spaces - which they would oppose.
- 8.5 **Lead Local Flood Authority** - State the hydrobrake does seem to be rather small (0.9L/s) which may pose a blockage risk, however the maintenance/inspection plan is acceptable. If they feel that this is a practical size then this is acceptable. The flood risk assessment is acceptable and they have allowed for a 1 in 100 with climate change.
- 8.6 **Environmental Protection Manager (Contaminated Land)** - State that the Environment Agency are correct, the site is located within the site of the former gas works. As a result a land contamination study will need to be carried out.
- 8.7 **Lancashire Fire and Rescue Service** - Have issued their standard advice in relation to Building Regulations.

## **9.0 REPRESENTATIONS**

- 9.1 Press notice published: 04/04/22
- 9.2 Site notice published: 07/04/22
- 9.3 Neighbours notified: 24/03/22
- 9.4 No representations have been received to the application.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework (NPPF)**

10.1.1 The NPPF 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 6 – Building a strong, competitive economy
- Section 7 - Ensuring the vitality of town centres
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

### **10.2 National Planning Practice Guidance (NPPG)**

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

### **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:

- CS1 Strategic Location of Development
- CS4 Retail and Other Town Centre Uses
- CS7 Quality of Design

### **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:

- LQ4 Building Design
- AS7 Aerodrome Safeguarding

### **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 independent Examination in Public between 6<sup>th</sup>-10<sup>th</sup> December 2021 and the Inspector has issued their comments. As such, weight can be afforded to the emerging policies in accordance with the provisions of paragraph 48 of the NPPF. The following draft policies are considered to be most relevant to this application:

- DM15 Threshold for impact assessments
- DM17 Design principles
- DM42 Aerodrome safeguarding

## **11.0 ASSESSMENT**

### **11.1 Principle of Development – policy background**

- 11.1.1 The proposal is for an extension to the existing Next retail unit to increase the Next homeware range. Retail is a main town centre use as defined in Annex 2 of the National Planning Policy Framework (NPPF). The application site is in an out of centre location.
- 11.1.2 Section 7 of the July 2021 NPPF relates to ensuring the vitality of town centres. 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. Paragraph 87 states that a sequential test should apply to all planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
- 11.1.3 Paragraph 88 states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 11.1.4 As the application is a Town Centre use on an out of centre site a Sequential Assessment has been submitted to explore if there are sequentially preferable sites on which the development could be located.
- 11.1.5 Paragraph 91 of the NPPF makes it clear that applications which fail the sequential test or are likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused. This is however subject to the policies of the development plan and all other material considerations being considered in the planning balance when coming to a decision.
- 11.1.6 Local Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 relates to retail and other town centre uses, and sets out the tests to be applied for such development. The policy sets out a hierarchy for development, with Blackpool town centre being the focus for new major retail development.
- 11.1.7 In addition to the above, Policy CS1 sets out principles for the strategic location of development in Blackpool, and identifies Blackpool town centre as one of three inner areas for regeneration where ‘...future growth, development and investment will be focused...’. Whilst the policy indicates that development proposals will be assessed taking into account this principle, there is no further direct retail test linked to this policy.
- 11.1.8 Paragraph 219 of Annex 1 of the revised NPPF indicates that due weight should be given to relevant policies in existing plans according to their consistency with the NPPF (the more similar the policies, the greater the weight that may be given). The adopted development plan provides limited detail as to how the sequential or impact tests should be implemented in practice. Whilst the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies elaborates on these tests, given that this is not yet adopted (but carries significant weight), it is considered appropriate to first consider the proposal in accordance with the wording of the tests as set out in the NPPF.

11.1.9 Although the existing adopted Local Plan policies do not set a local threshold for when development will be subject to an impact test, emerging Local Plan Part 2 Policy DM15 does:

- (1) 'An Impact Assessment is required for retail and leisure proposals including the formation of mezzanine floors; changes of use and variations of condition to remove or amend restrictions which are not located in a defined centre where:
  - (a) the proposal provides a floorspace greater than 500 sq.m gross; or
  - (b) the proposal is located within 800 metres of the boundary of a District Centre and is greater than 300 sq.m gross; or
  - (c) the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq.m gross.
- (2) The scope and content of any Impact assessment shall be agreed with the Local Planning Authority.'

11.1.10 Significant weight can be given to this policy considering the advice in paragraph 48 of the NPPF, its advanced stage of preparation, that no objections have been received to the policy at publication stage and its consistency with the NPPF.

11.1.11 The purpose of an impact assessment is to consider the impacts of the proposal on town centre vitality and viability and investment. It is for the applicant to demonstrate that the proposal will not have a significant adverse impact on planned and committed town centre investment, or on the vitality and viability of the defined centres.

11.1.12 Paragraphs 90 and 91 of the NPPF indicate that application proposals for retail and leisure development should be refused planning permission where a significant adverse impact is likely to arise from development.

11.1.13 The two key impact tests identified by paragraph 90 of the NPPF relate to:

- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

11.1.14 The application has been reviewed by the Council's retained retail consultant. The compliance of the proposal with the sequential test and each of the two strands of the impact test is set out below.

## **11.2 The Sequential Test**

11.2.1 Paragraph 011 of the Town Centres PPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

- 11.2.2 The Council's retail consultants have conducted a review of in and edge of centre sites, and the potential offered by well-connected out of centre sites, as part of the NPPF test, considering how the Courts and the Secretary of State have considered the matter of flexibility in applying the tests of suitability and flexibility, before then considering the appropriateness of the site search parameters identified by the applicant.
- 11.2.3 In terms of the site search and identifying parameters, the applicant has considered a range of potentially sequentially preferable alternative sites within or on the edge of Blackpool Town Centre and set out their approach to the search which the Council accept. All these sites have been reviewed (as well as a number of other sites the Council are also aware of currently being marketed, including the former Debenhams site) and it is agreed that none of these sites are both available and suitable to accommodate the application proposal. The Council are unaware of any other site which is 'in centre', 'edge of centre', or better connected to a centre, that could accommodate the proposal in practice.
- 11.2.4 It is therefore considered that the application proposal conforms to the requirements of the sequential test as articulated by paragraphs 87 and 88 of the NPPF.

### **11.3 The Impact Test**

- 11.3.1 The impact test is in two parts, each of which are assessed below.
- 11.3.2 The applicant addresses potential impact of the proposal on existing, committed and planned public and private sector investment in centres in the catchment area of the proposal in its Planning Statement. They consider the impact of the proposals on large, mixed use developments being undertaken in the town centre as part of the efforts to regenerate Blackpool. These include the Houndshill Phase 2 extension, the Central Station Regeneration Area, the Abingdon Street Market and remaining phases of the Talbot Gateway regeneration. They also provide a summary in respect of the redevelopment of the Blackpool Central area, which benefits from planning permission for a leisure-led mixed use redevelopment.
- 11.3.3 The Council are satisfied that the above proposals are qualitatively different from the application proposal, and that there will be no significant impacts which would either affect development being implemented or their successful operations once brought forward.
- 11.3.4 The applicant has also provided a letter from Next Holdings Limited. This confirms that the retailer has no plans to alter Next's representation in the Houndshill Centre in Blackpool town centre, and that the future of this store is in no way related to the application scheme at Clifton Retail Park. It is important to note that the Council has no powers to require Next to continue trading in the town centre and any permission granted would not be personal to Next Holdings Limited. Nevertheless, it is acknowledged that, where Next have an out-of-centre presence, they typically still retain a smaller in-centre store. Officers are therefore satisfied that the granting of this permission would not result in any alteration to the

applicant's representation in the town centre, at least in the short term, and that any future change to this would occur independently from the granting of this application.

- 11.3.5 It is therefore considered that the proposal conforms to the requirements of the first strand of the impact test set out at NPPF paragraph 90.
- 11.3.6 With regard to the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, the applicant has set out its approach to trade diversion impact in their Planning Statement. The Council agrees that the highest impact on trade will likely be felt at existing out of centre destinations which have no policy protection. In terms of in-centre destinations, Next estimates the impact on Blackpool town centre to be -0.4%. However, the Council consider the estimated turnover of the proposed floorspace to be higher than set out by Next. Using higher turnover figures this impact would increase slightly to -0.5%. However, in both cases, it is agreed that the level of diversion is unlikely to have a significant adverse impact on Blackpool town centre.
- 11.3.7 In considering the potential implications of the trade diversion of the proposal from the town centre, the Council have also given consideration to the current health of Blackpool town centre. Although Next does not provide a detailed health check of Blackpool town centre within their submission, there is detailed commentary provided with regard to the significant amount of investment which is committed or underway within the town centre. The current and future developments within the town centre are a positive indicator in respect of the future health of Blackpool, providing for a diverse offer within a popular town centre destination. There are some concerns within the town centre in respect of vacancy rates (units and floorspace) and the requirement to ensure the future long-term occupancy of some of the stock of floorspace. However, given the nature of the proposal which seeks to increase the bulky goods offer within an existing operator at the retail park, and confirmation from the retailer that there is no intention to alter its existing offer within the town centre, the Council are satisfied that the level of diversion is unlikely to result in an impact which would be of a significant magnitude. This is also on the basis that a high proportion of the proposal's trade will be diverted from existing out of centre operators which have no policy protection.
- 11.3.8 Overall, it is not considered that the application proposal would have any material impact on existing investment being successfully realised or that any centre would be the subject of an unacceptable impact. It is therefore considered that the proposal accords with the requirements of both strands of the NPPF impact test and Local Plan insofar as it relates to impact.

#### **11.4 Acceptability of retail development in this location - summary**

- 11.4.1 Paragraph 91 of the NPPF indicates that planning applications for retail uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.
- 11.4.2 In respect of the sequential approach to development it is agreed that there are no sequentially preferable sites that are both available and suitable to accommodate the principal parts of the application proposal, allowing for flexibility. The proposal therefore accords with the requirements of paragraphs 87 and 88 of the NPPF.

- 11.4.3 With regard to the first part of the NPPF impact test, it is not considered that the grant of planning permission for the proposed development would lead to a significant adverse impact in respect of existing, committed and planned public and private sector investment.
- 11.4.4 In terms of the second part of the test (relating to the vitality and viability of town centres), a large proportion of the impact arising from the proposal would occur at existing out of centre destinations, principally those within the locality of the application site in the wider retail parks. In terms of the potential impact of the proposal on defined centres within the catchment, it is considered that the impact on the existing offer would not be significant. The proposal therefore accords with the NPPF impact test.
- 11.4.5 The proposal is therefore considered acceptable in relation to town centre planning policies, subject to appropriate planning conditions controlling the range of goods sold to bulky goods.

## **11.5 Design, Layout and Visual Impact**

- 11.5.1 In terms of design, the existing building (together with Matalan and Clarks) is of its time, having been built in the mid-1990s. It has limited external glazing and large expanses of red brick broken up with decorative buff band courses. The building as a whole has a fully hipped roof of profiled metal cladding with small gables marking the store entrances and providing visual interest on the side elevations.
- 11.5.2 The proposed extension would be to the side of the existing Next store between it and Sandhams Way that leads to the rear service yard of the units. It would also incorporate a mezzanine as the existing store does. The area is currently laid to grass with a small amount of low shrub planting. The extension would not cover the whole area, a strip of approximately 5m would remain between the extension and the road.
- 11.5.3 The site is bound by the M55 motorway slip road to the south separated by a band of trees and Sandhams Way to the east, which is only used for servicing of the existing three retail units and Glasdon. The main visible façade is and would be the front elevation.
- 11.5.4 The proposed extension would introduce a much fresher, more modern façade to the extension and existing Next store with large expanses of glazing framed by red brick allowing views into and out of the store. The side elevation although still largely blank, would be less visible than it is currently as it will be brought closer to the Glasdon building opposite. In addition some glazing will wrap around the north east corner which is looked upon favourably giving the east elevation a more active frontage.
- 11.5.6 Part of the existing roof would be demolished including the two feature gables at the front and on the side elevation, but the hipped roof on the end of the building would remain. A low dual pitched roof would sit alongside the existing roof over the new extension. The new roof would be a profiled metal in light grey colour to match the existing. Given the shallow pitch of the roofs, they are unlikely to be visible other than at a distance. The existing roof of the block is hipped but there is an uplift at either end because of a gable feature. As such, the roof proposed would balance the gable at the other end of the block to some extent. On balance, the roof form is considered to be acceptable.
- 11.5.7 Although ideally the whole building façade to include the adjacent units would be updated at the same time, it is accepted that this will not be possible due to the existing different tenants. It will however represent an improvement to the current unit that is now looking

dated and create more visual interest from the outside. The site is largely viewed in the context of the other retail units, Tesco Extra and Glasdon. Although there are views of it from Clifton Road, this is across the car park serving the units a distance of approximately 160m. It is not therefore considered that the modern design for the end unit will look out of place in the streetscene.

## **11.6 Impact on residential amenity**

11.6.1 The existing Next store and the location of the extension is entirely contained within Clifton Retail Park and adjacent to the commercial building of Glasdon UK Ltd with the slip road of the M55 to the rear (south). It is therefore considered that the proposal will not have an unacceptable impact on any residential properties.

## **11.7 Access, highway safety and parking**

11.7.1 Access to the unit would remain as exists via a roundabout on Clifton Road. The extension would result in an additional 1466m<sup>2</sup> of floor space over two floors.

11.7.2 A Transport Statement has been submitted with the application. It concludes that on weekdays the development would be likely to generate approximately 6 and 10 two-way vehicle trips on the network AM (8-9am) and PM (5-6) pm peak hours, respectively. There would be approximately 25 two-way vehicle trips in the inter-peak hour (11am-12noon), which is equivalent to around 1 vehicle every 2 to 3 minutes.

11.7.3 For the weekend vehicle trip generation there would be approximately 34 two-way vehicle trips during the development peak hour. This equates to approximately 1 vehicle every 2 minutes.

11.7.4 In terms of parking, Clifton Retail Park on which Next is located shares a large car park with the other units on the site including Tesco. No additional customer parking is proposed.

11.7.5 It is agreed that the given the capacity of the existing car park of over 1000 spaces, and a petrol filling station at the entrance the impact of the additional vehicles will not have an unacceptable impact on the road network or existing parking provision at the site. The Council's Head of Highways and Traffic Management Services has raised no objection.

11.7.6 Servicing of the extended unit will remain as currently exists to the rear, accessed off Sandhams Way.

## **11.8 Drainage and flood risk**

11.8.1 A Drainage Strategy has been submitted with the application.

11.8.2 The National Planning Practice Guidance states the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

11.8.3 The Drainage Strategy rules out infiltration but states '*no intrusive ground investigations have been undertaken to determine the infiltration capability of the site. The BGS geological*

*mapping and borehole records identify the presence of clays which would not be able to support infiltration SuDS'.*

11.8.4 The BGS geological data is generally accurate but it does not go down to the small scale, only an approximation based on known conditions nearby. Therefore it may be possible that the site is suitable. Therefore a planning condition is proposed requiring a drainage scheme to be submitted and approved that is in accordance with the hierarchy including evidence of an assessment of the site conditions to include site investigation and test result to confirm infiltration rates. Subject to this being agreed it is considered a suitable drainage scheme can be achieved on the site.

## **11.9 Biodiversity impact**

11.9.1 The extension would be built on what is currently an area of maintained cut grass with some low shrub hedging at its northern end. 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 and is also set out in emerging Local Plan Part 2 Policy DM35. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

11.9.2 The proposals include the planting of indigenous wildflowers on the retained green space to improve biodiversity over the current area of cut grass and this can be controlled via a planning condition. This is considered acceptable.

## **11.10 Environmental impact**

11.10.1 Policy CS10 of the Core Strategy states all non-residential developments over 1,000 sq.m will be required to achieve BREEAM 'very good'. A pre-BREEAM assessment has been submitted with the application which concludes the development has an anticipated 'Pass' rating and at best a 'Good' rating. This is because the proposal is an extension to an existing building rather than a complete new build, therefore there are limitations to achieving some of the BREEAM requirements. The BREEAM rating must therefore be accepted.

11.10.2 In relation to contaminated land the Environment Agency advise the site appears to have been the subject of past industrial activity (former Marton Gasworks and landfill), which poses a high risk of pollution to controlled waters and recommend that the Council Environmental Protection department are consulted. They advise that the comments of the Environment Agency are correct and a land contamination study will need to be carried out. A condition is proposed covering this and securing any necessary remediation. The proposal is not anticipated to impact materially on air quality. Subject to the recommended conditions, no unacceptable impacts on environmental quality are anticipated and the development proposed would not be at undue risk from such.

## **11.11 Other Issues**

11.11.1 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).

11.11.2 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.

11.11.3 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.

## **11.12 Sustainability and planning balance appraisal**

11.12.1 Sustainability comprises economic, environmental and social components.

11.12.2 Economically the scheme would extend an existing retail store representing inward investment to the town and job creation. The proposal would satisfy the sequential test and no significant adverse impacts on existing centres or planned development are anticipated. On this basis the scheme is considered to be economically sustainable.

11.12.3 Environmentally, no unacceptable ecological issues are anticipated and the development would not be expected to unacceptably impact upon air, land, water quality or drainage. The design would introduce a much fresher, more modern façade to the extension and exiting Next store the current design of which is of its time. The development would not be at undue risk from flood risk and would not exacerbate flood risk off site subject to conditions.

11.12.4 Socially it is considered the development would not have any impact on residential amenity. The provision of electric vehicle (EV) charging points have been discussed with the applicant. However, they do not own or control the car park so their provision could not be controlled through this planning application. However, they advise that the owners of the retail park are already looking into the provision of electric vehicle charging points for customers using the site as there is a demand from customers. No unacceptable impacts on highway safety are anticipated.

## **12.0 FINANCIAL CONSIDERATIONS**

12.1 The proposal would generate increased business rates. As such, there is potential for the Council to benefit indirectly through an increased business rates receipt. However, this consideration has no weight in the planning balance.

## **13.0 CONCLUSION**

13.1 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

## 14.0 RECOMMENDATION

14.1 Members are respectfully recommended to approve the application, subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

*Location plan recorded as received by the Council on 16th March 20200 ref: 11335 L 001 Rev C*

*Proposed detailed site plan ref. 11335 L 011 Rev D*

*Proposed elevations plan ref: 11335 E 002 Rev C*

*Proposed plans plan ref: 11335 P 013 Rev F*

*Proposed sections 11335 S 002 Rev B*

The development shall thereafter be retained and maintained in accordance with these approved details.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3 The external materials and surfacing materials to be used on the development hereby approved shall be as specified on drawing no. 11335 D 001 Rev A External Materials unless otherwise first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

4 Prior to the commencement of development;

(a) a phase 1 geo-technical study into potential land contamination shall be submitted to and agreed in writing by the Local Planning Authority; and

(b) should the phase 1 report required by part (a) of this condition indicate a need for site investigation, a methodology for a phase 2 geo-technical site investigation into potential land contamination shall be submitted to and agreed in writing by the Local Planning Authority; and

(c) the phase 2 investigation approved pursuant to part (b) of this condition shall be carried out in full and the results of this investigation shall be submitted to and agreed in writing by the Local Planning Authority; and

(d) any scheme of remediation shown to be required by the investigation undertaken pursuant to part (c) shall be submitted to and agreed in writing by the Local Planning Authority; and

(e) the remediation agreed pursuant to part (d) of this condition shall be carried out in full and a validation report confirming the works shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027. This information is required to be submitted and agreed prior to commencement in order to ensure that the development hereby approved proceeds safely.

5 Prior to the first occupation or use of the development hereby approved:

(a) the landscaping scheme as detailed in the Clifton Retail Park Soft Works Development Specification February 2022 (by Company of Gardeners) and accompanying Wildflower Landscape Turf 34, Species Mix (19 February 2022) shall be implemented in full and in full accordance with the approved details; and

(b) Any planting in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 7 years of planting shall be replaced within the next planting season with trees or plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ6 of the Blackpool Local Plan 2001-2016.

6 Before the development hereby approved is first brought into use the cycle storage shown on plan ref. 11335 L 011 Rev D Proposed Detailed Site Plan shall be provided and shall thereafter be retained and maintained as such.

Reason: In order to encourage travel to and from the site by a sustainable transport mode in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

7 (a) Prior to the commencement of any development, a surface water drainage strategy, based on the hierarchy of drainage options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority.

(b) Prior to the commencement of any development, the design for a surface water drainage scheme, based on the approved strategy and in compliance with the hierarchy of drainage

options in the National Planning Practice Guidance and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

(i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

(ii) Surveys and appropriate evidence to establish the position, capacity, ownership and interconnection of all bodies of water, watercourses, drains and sewers within the application site and those outside of the site into which a direct or indirect connection is proposed;

(iii) A determination of the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice 'Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development and as appropriate during construction), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in metres AOD;

(iv) A demonstration that the surface water run-off would not exceed the equivalent greenfield rate **OR** a rate evidenced to be first agreed in writing by United Utilities.

(v) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing watercourses, culverts and headwalls or removal of unused culverts where relevant);

(vi) Flood water exceedance routes, both on and off site;

(vii) Existing and proposed ground and other surface levels demonstrating that run-off to adjacent land and highways will not occur except in the exceedance conditions and the exceedance routes as approved;

(viii) A timetable for implementation, including phasing where applicable;

(ix) Details of water quality controls.

(c) Unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the adopted sewerage system or to any privately owned sewerage either directly or indirectly.

(d) The scheme agreed pursuant to part (b) of this condition shall be implemented in full and in full accordance with the approved details before the development hereby approved is first brought into use.

(e) The developer shall provide as built drawings and certification of the completion of the drainage system as approved by a competent person.

Reason: To promote sustainable development, secure proper drainage of sewage and surface water and to manage the risk of flooding and pollution in accordance with the

provisions of the NPPF and NPPG and Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackburn, Blackpool and Lancashire Flood Risk Management Strategy.

- 8 The extension hereby permitted shall be limited to the retailing of the following bulky goods:
- Beds
  - Bedside furniture, desks and associated furniture
  - Sofas
  - Armchairs
  - Tables and dining chairs
  - Shelving units, sideboards and associated furniture
  - Home storage
  - Bathroom fittings
  - Bathroom furniture
  - Toilet seats
  - Shower units
  - Lighting
  - Televisions
  - Irons and vacuum cleaners
  - Lighting
  - Plants
  - Upholstery
  - Paints
  - Wallpaper
  - Tiles
  - Tools
  - Carpets
  - Rugs
  - Wooden flooring
  - Cots
  - Garden furniture and lighting
  - Barbecues and outdoor cooking accessories
  - Planters

Reason: The application has been assessed and justified on the basis of the sale of bulky goods only. Therefore to enable the impact of any future change in the range of goods sold to be properly tested so as to ensure that it would not detract from the vitality and viability of the town centre in accordance with the National Planning Policy Framework, Policies CS1 and CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM15 of the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies.

- 9 Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act (as amended) the buildings shown within the red edge of the application (as shown on the location plan ref: 11335 L 001 Rev C) shall be occupied as a single trading unit by a single operator and shall not be sub-divided.

Reason: The application has been assessed and justified on the size of the extension proposed. Therefore to enable the impact of any future sub-division to be properly tested so

as to ensure that it would not detract from the vitality and viability of the town centre in accordance with the National Planning Policy Framework, Policies CS1 and CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM15 of the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies.

- 10 Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no enlargement of the buildings within the red edge (as shown on the location plan ref: 11335 L 001 Rev C) shall be carried out without the express permission of the Local Planning Authority.

Reason: The application has been assessed and justified on the size of the extension proposed. Therefore to enable the impact of any extension to be properly tested so as to ensure that it would not detract from the vitality and viability of the town centre in accordance with the National Planning Policy Framework, Policies CS1 and CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM15 of the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies.

- 11 The buildings shown within the red edge of the application (as shown on the location plan ref: 11335 L 001 Rev C) shall not be used for the sale of food or drinks.

Reason: To ensure that the available off-street parking provision is adequate to serve the needs of the development, in the interests of highway safety and to enable the impact of any future change in the range of goods sold to be properly tested so as to ensure that it would not detract from the vitality and viability of the town centre in accordance with the National Planning Policy Framework, Policies CS1 and CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DM15 of the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies.

## **ADVICE NOTES TO DEVELOPERS**

1. This site falls within the identified safeguarding area for Blackpool Airport. As such, your attention is drawn to the following advice notes:

- <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-1-Aerodrome-Safeguarding-An-Overview-2016.pdf>
- <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-2-Lighting-2016.pdf>
- <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>
- <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>
- <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-5-Renewable-Energy-2016.pdf>

For further information and advice, please contact [safeguarding@blackpoolairport.com](mailto:safeguarding@blackpoolairport.com)

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of this development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.