

Delivered by e-mail

31 July 2015

Gary Johnston  
Planning and Transportation Division  
Blackpool Borough Council  
Municipal Buildings  
Corporation Street  
Blackpool  
FY1 1LZ

Dear Mr Johnston,

**Re: Application Reference 14/0608: Redevelopment of Units 21 to 25 at Squires Gate Industrial Estate**

We write on behalf of the Baxter Group Limited to provide a supplementary representation in respect of the above planning application submitted by LS Retail Warehousing Limited.

At the outset, we would like to thank you for summarising our objection letter of 15 July 2015 and for appending it to your report to committee.

We note that you are recommending that Members defer the application for your determination, pending the receipt of further information from the applicant's agent in relation to the imminent availability of the Booths store in a sequentially preferable location on Highfield Road, and in relation to the requirement for an assessment of cumulative impact, so as to take into account of our client's extant permission for a foodstore at Westgate House (Fylde Council ref: 14/0358). However, notwithstanding the need for this further information, we are somewhat surprised that your report does not give Members more of a steer towards refusal.

You accept that the application at the Squires Gate Industrial Estate represents a departure from the provisions of the adopted Blackpool Local Plan (Policies DE1 and DE2 in particular) and that the proposal is also in conflict with the provisions of the emerging Core Strategy (Policies CS3, CS4 and CS23), which you suggest, correctly in our view, should be given considerable weight in decision taking, following the completion of the Examination. In these circumstances, Section 38(6) on the Planning and Compulsory Purchase Act 2004 requires a refusal, unless material consideration indicate otherwise.

Moreover, Paragraphs 2, 11, 12, 196 and 210 of the NPPF reinforce the provisions on Section 38(6) and it is clear that the application does not benefit from the presumption in favour of sustainable development set out in Paragraph 14 of the NPPF; this is because the Development Plan is not absent or silent and relevant policies, particularly in relation to employment land, are not out of date in light of the findings of the Council's Employment Land Study issued in June 2014, which formed part of the evidence base to the emerging Core Strategy.

Your report suggests very few material considerations in support of the application proposal. You make reference to the potential for linked trips with the Morrisons store and with other retailers at the Squires Gate Retail Park, but most of the visitors to these stores are car borne and the linkage reinforces the attractiveness of an out-of-centre location to the detriment of nearby Town Centres. This is one of the reasons why the provisions of Paragraph 1.17 of the long since revoked Revised PPG6 of June 1996 were not reflected in the subsequent policy provided in PPS6, PPS4 or, most importantly, in Paragraph 24 of the NPPF. You also make reference to the applicant's argument that its proposal would meet the three strands of sustainable development, but in our assessment, this cannot be accepted because:

- the gross job estimate provided by Savills is greatly exaggerated and Turley and WYG who both work for Aldi on a regular basis suggest a gross job generation for such a store of just 40 persons, which is represents 30 full time equivalents;
- the social benefits provided by the qualitative addition to the retail offer are limited because our client's planning permission will already provide for these benefits and there is no qualitative need for two discount foodstores in such close proximity; and
- the alleged environmental benefits associated with linked trips are false because the accessibility to the Squires Gate Industrial Estate application site by foot, bicycle and public transport is so inadequate and most of the new visitors would be car borne.

Indeed, your report correctly identifies a number of important adverse impacts associated with the application proposal which clearly outweigh the limited benefits that you and/or the applicant identifies. These adverse impacts include the loss of 0.7 hectares of employment land, which, together with the 0.86 hectares being lost at the TVR site, is 5 per cent of the 31.5 hectare requirement (not 0.05 per cent as stated in your report, inadvertently of course). This loss in itself must be regarded as serious in the context of an acknowledged shortfall of employment land of approximately 14 hectares, for which Blackpool is reliant on Fylde. Furthermore, as you acknowledge, the existing premises have '*...not been the subject of a bespoke marketing exercise...*' and '*...there is no evidence that should the units be demolished the land could not be redeveloped for industrial purposes...*', particularly given the stimulus that will arise from the Enterprise Zone which will become operational in January 2016. Thus, it has not been demonstrated, in the words of Paragraph 22 of the NPPF, that '*...there is no reasonable prospect of a site being used for that purpose*'. Moreover, the applicant acknowledges that its proposal does not represent enabling development of the sort envisaged in the explanatory wording to Policies CS3 and CS24 of the emerging Core Strategy.

The issue is not just about whether the application would prejudice redevelopment of the remainder of the Squires Gate Industrial Estate, or whether it would set a precedent, important though these matters are; the loss of 0.7 hectares itself is unacceptable and unnecessary in the specific circumstances faced by Blackpool.

So far as the second limb of our objection is concerned, it is quite clear from your report that there is a failure of the sequential test (even without allowing for the opportunity of the soon to be vacated Booths site on Highfield Road) because within the terms of the tests set out in Paragraph 24 of the NPPF, it is clear that our client's site at Westgate House is far more accessible by a range of modes of transport and much better connected by bus to the nearby Town Centres. Thus, we note, and agree with, your observations that:

- the application site is 320m walk from the nearest bus stops in St Anne's Road (except for service number 688 on the southern side of Squires Gate Lane);
- *'...the application site could hardly be described as well connected to the Local Centre.'*, particularly given its separation from St Anne's Local Centre by a busy dual carriageway;
- *'...the southern half of the catchment area for the proposed store is largely employment or airport land and hence there is not a large residential hinterland south of the application site within easy walking distance of the site';*
- there are limited pedestrian crossing points and limited bus stops in the vicinity of the application site; and that
- *'...the Westgate House site has a frontage to Squires Gate Lane, it has a more immediate residential catchment (properties in Westgate Road), there is bus stop in front of the Westgate House site and bus stops on Lytham Road and more services linking the Westgate House site to St Annes and Blackpool Town Centres.'*

Indeed, the only disadvantage that you perceive in relation to the Westgate House site is that it would not benefit from linked trips to the same extent as the application site at Squires Gate Lane. However, as previously explained, this linkage, in an out-of-centre location, is not necessary a benefit, particularly in the case of Squires Gate Lane which is so inaccessible by any means of transport other than the car.

### **Conclusion**

In conclusion, therefore, it is clear that Section 38(6) requires a refusal, as does Paragraph 27 of the NPPF. The questionable benefits that you and/or the applicant identify are more than offset by the harm caused by the conflict with the development plan and the failure of the sequential test. There is also the issue of cumulative impact which has not yet been addressed by the applicant which may unearth a further reason for refusal.

Thus, even without the further information required in respect of the Booths site on Highfield Road and in relation to cumulative impact, there is already sufficient evidence to make it clear to your Members that the application should be refused.

### **Highways Objection**

Finally, we refer to a Highways Objection, prepared on behalf of the Baxter Group by Turner Lowe Associates, which is attached to this letter. In essence, Turner Lowe Associates is concerned that:

- a) there does not appear to be any information on the public file to explain why Mr Patel's objections to the proposal set out in his memo of 13<sup>th</sup> December 2014 and his email to you of 3<sup>rd</sup> February 2015 appear to be overcome, given that your report states that the Head of Transportation has *'no objections in principle'*; and that
- b) there is no robust analysis to assess how the planning application proposal is likely to affect traffic on Squires Gate Lane.

We shall be grateful, once again, therefore, if you can summarise this further representation in your presentation to Members and make copies of the representation and attachment available to them.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'MH', with a long horizontal stroke extending to the right.

Mike Holliss

Enc: Highways Objection prepared by Turner Lowe Associates