



Appeal Decision

Site visit made on 26 November 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/J2373/W/19/3236348

Anchorsholme Methodist Church, North Drive, Blackpool FY5 3PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Chadwick (Melrose Developments Limited (1996) Pension Fund) against the decision of Blackpool Borough Council.
 - The application Ref 19/0149, dated 1 March 2019, was refused by notice dated 2 July 2019.
 - The development proposed is erection of a convenience store with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a convenience store with associated access, parking and landscaping at Anchorsholme Methodist Church, North Drive, Blackpool FY5 3PG in accordance with the terms of the application, Ref 19/0149, dated 1 March 2019, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Chris Chadwick (Melrose Developments Limited (1996) Pension Fund) against Blackpool Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - existing designated local centres nearby and on local community facilities;
 - highway safety.

Reasons

Effect on designated local centres nearby and on local community facilities

4. The appeal site comprises a vacant piece of land located at the junction of North Drive and Luton Road. It is the site of a now demolished former Methodist Church. The immediate surrounding area is predominantly residential, though the site is within walking distance of a number of community facilities including a library, school and the East Pines Drive Local Centre which is a small parade of commercial premises including convenience stores, one of which contains a post office.

5. The proposal is for a new retail building with a gross floor area of 418 square metres and a net retail floor area of 279 square metres. It is initially intended to be occupied by the Co-op as a convenience store. The appeal site is not located within a designated local centre and as such Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) adopted January 2016 (CS) requires proposals for new retail development in such locations to demonstrate that they meet the listed criteria. This includes that there are no more centrally located/sequentially preferable, appropriate sites available for the development: and that the proposal would not cause significant adverse impact on existing centres.
6. A Retail Impact Assessment dated March 2019 was submitted with the application and an updated statement dated August 2019 has been submitted with the appeal. In addition, a Sequential assessment was submitted with the application dated March 2019. The retail and sequential assessment evidence was initially accepted by Council Officers at the application stage but the retail evidence was subsequently rejected by the Council's Planning Committee and the sequential assessment is also now being challenged by the Council as sequentially preferable sites are now considered to be available.
7. Although the appellant questions the need for a retail impact assessment given the scale of the proposal and in light of policies contained within the National Planning Policy Framework (the Framework), the submitted assessment concludes that the proposal would not cause significant adverse impact on existing centres. It also appears from the evidence that this view is endorsed by the Council's retail advisors notwithstanding that some concerns were raised in relation to a number of assumptions used in the appellant's retail assessment¹. It seems to me from the evidence that even allowing for an amendment of the assumptions to address WYG's concerns, the impact on existing centres would not be adverse.
8. The evidence appears to show that the nearby local centres at East Pines Drive, Anchorsholme Lane East/West and Fleetwood Road are all performing well and that vacancy rates are low. There is no evidence to suggest that any of these centres are particularly susceptible to harm or that the level of diversion of trade from them likely to result from the proposal would have a significant harmful impact. Consequently, although I note the concerns raised in relation to the potential loss of the post office facility at East Pines, there is no substantive evidence to suggest that this would be a likely consequence of the approval of the proposal or that it would result in the loss of any other local community facilities.
9. Similarly, whilst I note the relative position of the site to Anchorsholme Academy and parking provision at East Pines and as proposed on the site, I do not accept that it is inevitable that a significant proportion of parents dropping off/picking up at/from the school would necessarily change their shopping habits to the detriment of the East Pines centre.
10. Although the Council initially accepted that there are no more sequentially preferable sites available for the development, in its appeal statement it referred to 3 other sites which it states have now become available. These sites have been considered by the appellant who considers that for various reasons none of them are suitable for the proposed development and that in

¹ Appraisal of Retail Planning Issues Planning Application Ref. 18/0384 October 2018

any event, one of them falls outside of the agreed area of search. Having considered the evidence and having visited the sites referred to by the Council, none appear to meet the requirements of the proposal in that they are either too small or presently unavailable. I am therefore satisfied that there are no sequentially preferable sites available.

11. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on existing designated local centres nearby and on local community facilities. It therefore accords with Policy CS4, of the CS and with paragraphs 89 and 90 of the Framework. These policies seek, amongst other things, to protect existing retail centres. Although the Council's second reason for refusal refers to policies CS7 and CS12 of the CS, these policies do not appear to be directly relevant to the proposal and to the concerns raised by the Council in that they relate to quality of design and sustainable neighbourhoods with the latter not including any relevant provisions to be met by the proposal.

Highway Safety

12. As stated, the appeal site is located in a predominantly residential area on the corner of North Drive and Luton Road. At my visit I observed North Drive to be a straight and reasonably busy road including use by buses with a bus stop on the opposite side of the road to the site. There are no parking restrictions on the road near to the site though there are a number of driveway entrances to dwellings. The road has a 30 mph speed restriction and there is a roundabout at the junction with Luton Road. The position of the site near to Anchorside Academy means that North Drive, Luton Road and surrounding roads are used by both vehicles and pedestrians to access the school, particularly at certain times of the day.
13. Vehicular and pedestrian access to the site would be via North Drive with the vehicular access in a similar position to the access to the former Church. Servicing would take place to the rear of the building and 21 parking spaces are proposed. A Transport Assessment dated March 2019 was submitted with the application and a Highway Statement dated August 2019 was submitted with the appeal. Both conclude that the proposed access arrangements would be safe and suitable for the predicted traffic that would be generated by the proposal. No objections were raised to the proposal by the Highway Authority subject to an approved servicing strategy.
14. However, in its Statement of Case, the Council states that there are a number of issues relating to highway safety that have not been addressed by the transport and highway assessments provided by the appellant. In broad terms these relate to the use of TRICS data, anticipated passing trips, parking provision, turning of delivery vehicles and the previous use and other D1 uses. In addition, further representations have been made by interested parties regarding highway safety matters and I have had regard to these in determining the appeal, including reference to an accident that occurred at the roundabout close to the site in October 2019 and to the fact that vehicle speeds along North Drive often exceed the 30 mph speed limit.
15. In my experience it is common practice to use the TRICS database in predicting traffic generation arising from new developments and indeed in this case the methodology used by the appellant was accepted by the Highway Authority. Although the appellant accepts that as with the case with any kind of forecast,

actual traffic generation associated with a development may vary, they consider that even if it were to be as high as now stated by the Council, the evidence indicates that this would not significantly impact on the operation of the highway network, which the Council appears to accept is not at critical capacity.

16. Though I have had regard to the concerns raised by the Council and by interested parties, including local Councillors and residents, that the road is busy and that there are large amounts of traffic near to the site at certain times of the day, there is no substantive evidence to contradict the appellant's evidence. In the absence of this and in light of the evidence before me, I find that any additional traffic likely to be generated by the proposal would not have a harmful effect on highway safety. Although I note reference to the accident that took place at the roundabout in October 2019 and reference to other accidents that have occurred near to the site meaning that residents consider it to be an accident blackspot, road safety records for the roundabout for the last 5 years show that whilst some accidents have occurred, the number has been relatively low and none have been fatal. Though the site and the proposed access are positioned close to the roundabout, having regard to the scale and nature of the proposal and to the number of vehicle movements likely to be associated with it, there is no evidence to suggest it would be likely to increase the number of accidents at the roundabout or near to the site access.
17. Similarly, based on the evidence I am satisfied that the proposed parking arrangements are acceptable having regard to the Council's adopted parking standards, to the nature of the proposed use and to the location of the site close to a large number of residential properties which means that it would be accessible on foot to a reasonably large number of people. Although the proposed servicing arrangements means that a small number of the spaces would not be in use when delivery vehicles are accessing the site, this is likely to only be the case for a relatively short period of time and there is no evidence that such arrangements and the short term reduction in spaces would be likely to lead to parking elsewhere or that such parking would be harmful to highway safety. The appellant has stated a willingness to accept a condition regarding a Service Management Plan and subject to this I am satisfied that the servicing of the site by large vehicles could be adequately managed irrespective of who operates the site.
18. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on highway safety. It therefore accords with Policy AS1 of Blackpool Local Plan 2001/2016 adopted June 2006 and with paragraphs 108 and 110 of the Framework. These policies seek, amongst other things, development proposals to provide safe and suitable access for all users; allow for the efficient delivery of goods and to provide appropriate levels of parking.

Other Matters

19. In reaching my decision I note and have had regard to the significant level of local opposition to the proposal and to the nature of the concerns raised. For the reasons stated above, I consider that the proposal would not have a harmful effect on either existing designated local centres nearby and on local community facilities or on highway safety.

20. Concerns have been raised regarding the effect of the proposal on the living conditions of nearby residents having regard to noise and disturbance; vehicle emissions, lighting and anti-social behaviour. Although there would be some noise and disturbance associated with the proposed use, particularly relating to the use of the loading bay, I am satisfied that this would not be materially harmful particularly given that mitigation measures are proposed; the previous D1 use of the site and that a Service Management Plan would be agreed by the Council prior to the use taking place.
21. The scale and position of the proposed parking areas relative to nearby properties and the layout of the site together with proposed boundary treatments means that I do not consider that any vehicle emissions or lighting would be materially harmful to living conditions and I note that no objections were raised to the proposal by the Council's Environmental Protection Team. Although it appears that there is evidence of anti-social behaviour taking place in the area, there is no evidence that the proposal would result in such behaviour on this site. Similarly, there is no evidence that the proposal would be likely to lead to customers accessing the site parking their vehicles inappropriately, particularly given my finding that the proposed parking arrangements are acceptable.

Conditions

22. I have had regard to the conditions suggested by the Council. The appellant has formally agreed to the use of the suggested pre-commencement conditions and with the exception of the suggested condition regarding the servicing strategy, agrees to the wording of all of the suggested conditions.
23. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions regarding foul and surface water drainage, landscaping and regarding the submission of a construction management plan in order to ensure that adequate drainage and landscaping of the site is provided and to ensure that construction works at the site are appropriately managed having regard to the location of the site and the proximity of residents. The nature of the requirements of these conditions is such that they require details to be submitted and agreed prior to the commencement of any development on site.
24. I have imposed conditions regarding materials, the details of the acoustic fence, the external storage of goods and the treatment of ground floor windows. These are in the interests of the appearance of the locality and with regard to the acoustic fence, in the interests of the living conditions of nearby residents. I do not consider it necessary for the materials condition to be a pre-commencement condition as materials can be approved at a later date during the construction process.
25. Conditions have been imposed regarding parking and servicing to ensure that adequate facilities are provided in the interests of highway safety, and regarding flood risk and the particular use of the site. These are required to minimise flood risk and having regard to the location of the site outside of a designated centre.
26. Though not originally suggested by the Council, I have imposed a condition specifying the hours of opening having regard to the residential nature of the surrounding area. The main parties have been consulted on the imposition of

such a condition. The hours proposed on the application form are 0600 to 2300. However, having regard to the proximity of the site to residential properties, I have specified reduced hours of 0700 to 2200 as suggested by the Council. I consider that opening hours beyond these times would be likely to be harmful to the living conditions of residential occupiers nearby.

27. Where necessary I have amended the wording of the suggested conditions in the interests of precision and clarity.

Conclusion

28. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) Except where modified by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following submitted plans: location plan, drawings numbers 1001 Rev B, 1002 Rev B and 1003 Rev B.
- 3) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - dust mitigation measures during the construction period
 - control of noise emanating from the site during the construction period
 - hours and days of construction work for the development
 - contractors' compounds and other storage arrangements
 - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
 - the routing of construction traffic.

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

- 4) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner).

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

- 5) Prior to the commencement of any development, details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. The building shall not be occupied until the approved foul drainage

scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved details.

- 6) Prior to the commencement of any development details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the building and maintained and managed in accordance with the approved details thereafter.
- 7) Notwithstanding the submitted plans, prior to its erection, details as to the exact location and design/ appearance of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to the store first being occupied and shall be retained as such thereafter.
- 8) Prior to the development hereby approved being first brought into use the servicing provisions, including manoeuvring areas, shall have been provided in accordance with the approved details; such areas shall not be used thereafter for any purpose other than that indicated on the approved plan and all servicing within the site including loading and unloading shall take place from within the servicing area shown.
- 9) Prior to the development hereby approved being first brought into use the car parking and cycle parking provision shown on the approved plans shall be provided and shall thereafter be retained.
- 10) Prior to the development hereby approved being first brought into use a servicing strategy, including reference to service delivery hours and the size(s) of delivery vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The store shall subsequently be serviced in accordance with the approved strategy thereafter.
- 11) Treatment of the ground floor windows to the North Drive and Luton Road elevations shall be in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the development hereby approved first being brought into use and shall be retained thereafter.
- 12) The development hereby approved shall be carried out fully in accordance with the submitted Betts Hydro Flood Risk Assessment received by the Local Planning Authority on 8 March 2019. Any measures required to be put in place shall be provided prior to the development hereby approved being first brought into use and shall be retained at all times thereafter.
- 13) Prior to any construction of the building hereby permitted above slab level, samples of the proposed external materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 14) No goods shall be stored or displayed for sale other than within the building shown on the approved plan.
- 15) The retail premises hereby approved shall be used for food retail (with ancillary non-food goods) only and for no other purpose (including any other

purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended).

- 16) The use hereby permitted shall only take place between the following hours:
0700 and 2200.