



Appeal Decision

Site Visit made on 28 September 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/J2373/W/21/3274904

2 Cherrywood Avenue and 6 Anchorsholme Lane West, Blackpool FY5 1SU

- 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 J Mortimer of Lidl Great Britain Limited against the decision of Blackpool Borough Council.
 - The application Ref 20/0436, dated 31 July 2020, was refused by notice dated 19 November 2020.
 - The development proposed is demolition of two detached dwellings and creation of car park extension to Lidl and partial re-arrangement of existing car park.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Neither the site address in the application form nor in the appeal form appears wholly accurate in identifying the location of the appeal site. I have adopted the address from the decision notice and the appeal statement in the banner heading above.
3. On 10 May 2021, prior approval (ref 21/0351) was granted for demolition of 2 Cherrywood Avenue and 6 Anchorsholme Lane West. At the time of my visit, the dwellings had not been demolished.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The living conditions of the residential occupiers of 4 Cherrywood Avenue; and
 - ii) The character and appearance of the area.

Reasons

Living conditions

5. The appeal relates to a food retail premises at the junction of Fleetwood Road and Anchorsholme Lane West. It is at the edge of a designated local centre and it has residential development along its western and northern boundaries. The appeal site comprises part of the car park and 2 Cherrywood Avenue (No 2) and 6 Anchorsholme Lane West (No 6), which are 2 storey detached dwellings. No 2 occupies a corner plot at the junction of Anchorsholme Lane West and Cherrywood Avenue. No 6 lies between No 2 and the appeal premises car park.

6. No 2 and No 6 share a side and rear boundary respectively with 4 Cherrywood Avenue (No 4), which is a modest single storey dwelling in a small plot. The low side elevation of No 4 is narrowly separated from the shared boundary with No 2 and No 6 and it shares its rear boundary with the retail premises.
7. By virtue of its close proximity to the appeal site, the side windows and the garden of No 4 would be close to the car park. The 2m high close-boarded boundary fence would mitigate visual disturbance to the neighbouring residential occupiers and it would prevent overlooking into the habitable room windows and the garden of No 4. Consequently, the proposal would not result in a loss of privacy to the neighbouring occupiers.
8. The submitted evidence, including photographs, indicate that the pre-existing 1.8m tall side boundary fence would have obscured views from, and reduced light to, the side-facing windows of No 4. The slight increase in the height of the fence would further diminish the outlook and light to the habitable room windows and it would marginally increase the sense of enclosure in the garden. However, taking into account the established situation, the increased height of the fence would not be significantly detrimental to the neighbouring occupiers.
9. The demolition of the 2 dwellings and the construction of the car park would result in impacts including noise disturbance and air pollution. However, these phases would be short-term and temporary and effects could be mitigated by the imposition of planning conditions to control hours and methods of working.
10. The proposed car park would be in use every day. There would be frequent vehicle movements and manoeuvring, the idling of engines, slamming of car doors, car audio equipment and the talking of customers. Taking into account the nature of the proposal, the high turnover of customers and vehicles, and the long opening hours of the store, the activity would be very different from the residential use of No 2 and No 6 and their gardens. Consequently, by virtue of proximity and the nature, intensity and frequency of use, the proposal would result in noise and disturbance to the residential occupiers of No 4.
11. I accept that if the car park was not in use outside store opening hours, then the proposal would be unlikely to disturb the neighbours overnight. However, I am not aware that the car park would be physically closed to vehicles when the store was closed. Even if it was closed outside of store opening, it would still result in high levels of activity at other times including in the evenings when residential occupiers might reasonably expect to enjoy their homes and gardens free from significant noise and disturbance.
12. The Council did not request a noise impact assessment, but it did set out its concerns in an email dated 09 September 2020. The appellant would have been aware of the concerns before the application was determined and the appeal has provided further opportunity to address the reasons for refusal. However, little substantive evidence has been provided in this regard. The baseline and future noise levels at the sensitive receptor, taking into account the demolition of buildings between No 4 and Anchorsholme Lane West, have not been established.
13. The car park would be separated from No 4 by the tall timber fence and landscaped buffer. The low ornamental planting would be unlikely to screen the proposal or mitigate the noise. Moreover, while timber acoustic fences may mitigate noise impacts in other situations, it has not been demonstrated that

the fence in this case would avoid adverse effects on the quality of life and health of the neighbouring residential occupiers. I note the suggestion that a planning condition could be imposed to limit the noise generated by the extended car park. It has not been demonstrated how this could work in practice or that it would meet the tests for conditions set out in the revised National Planning Policy Framework (the Framework). Consequently, I am not satisfied that noise mitigation could be satisfactorily addressed by condition.

14. The store car park was previously extended towards the side boundary of 6 Anchorsholme Lane West. Full details have not been provided, but the photographs illustrate that even before it was extended, No 6 had a different relationship to the car park than does No 4. While there is overlooking between the car park and the conservatory of No 6, most if not all habitable room windows face away from the car park. I cannot be certain that it is directly comparable to the appeal scheme or that the Council has been inconsistent in its decision-making. The earlier car park extension does not provide a justification for the proposal.
15. Therefore, the proposal would harm to the living conditions of the residential occupiers of 4 Cherrywood Avenue, with particular regard to noise and disturbance. It would conflict with the aims of policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 Adopted January 2016 (the CS) in relation to creating healthy places which avoid adverse impacts on nearby residents. It would conflict with the residential amenity aims of saved policy BH3 of the Blackpool Local Plan 2001-2016 Adopted June 2006 (the LP). It would also conflict with the Framework in relation to creating places with high standards of amenity for existing and future users.

Character and appearance

16. The designated local centre includes the food store and its car park and it extends across Fleetwood Road to include commercial buildings and dwellinghouses with ground floor commercial premises. Frontage parking is a feature of the local centre. However, the proposal would protrude beyond the local centre boundary into the adjoining residential area.
17. The residential area comprises a range of styles, sizes and ages of properties. The dwellings to be demolished are reasonably consistent with the 2 storey detached dwellings on the opposite side of the Cherrywood Avenue junction, but they are dissimilar from the 2 and 3 storey properties on the opposite side of Anchorsholme Lane West and from the single storey dwellings that characterise Cherrywood Avenue. The loss of 2 modern dwellings of little architectural merit would not disrupt a harmonious street scene or townscape. However, they do create a strong end of the row of unremarkable single storey dwellings along Cherrywood Avenue and at the edge of the local centre.
18. While the appeal site is relatively modest in size, nevertheless there would be a significant visual impact from the replacement of the dwellings with an open car park. The extensive hardstanding to the front of the food store is already a conspicuous feature of the area. The cumulative increase in the extent and dominance of car parking would erode the residential character of the area. The timber fencing along Cherrywood Avenue would screen car headlights, but it would not relate well to the predominantly low walls that characterise residential frontages in the area. The low landscape planting would do little to soften or screen the car park and it would only be maintained for a temporary

period of 10 years in any event. The proposal would not make a positive contribution to the street scene or local distinctiveness. It would not contribute to the aims of the Framework in relation to creating high quality, beautiful and sustainable places, with good design key to creating better places in which to live and work and helping to make development acceptable to communities.

19. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with the design aims of CS policies CS7 and CS12 which require, among other things, that development should avoid visual intrusion and it should promote local pride and sense of place. It would conflict with saved LP policies LQ1 and LQ2 in relation to development making a positive contribution to the quality of the surrounding environment, either complementing prevailing design character of the area or otherwise being a high quality individual design.
20. The reasons for refusal cite saved LP policy AS1. This sets out requirements relating to access, travel and safety needs of users including pedestrians, cyclists and those with reduced mobility. In the absence of evidence of harm in this regard, I find no conflict with this policy.

Other Considerations

21. Planning permission was granted in 1995 for the food retail store. Subsequent permissions for extensions and alterations to the store reduced the number of parking spaces and the ratio of parking spaces to floor area. Nevertheless, the existing 81 spaces apparently fall within the relevant range for food retail set out in the Council's maximum parking standards.
22. A survey was carried out to establish car park use over 3 days in September 2020. It found relatively consistent levels of traffic on all days, with maximum 85th percentile occupancy of 61 vehicles and peak occupancy of 69 vehicles which equates to 85% of all parking spaces occupied. The hourly and daily vehicle flows were broadly comparable to a March 2016 survey, except that Sundays are busier and demand is more evenly spread. This is attributed to reduced demand for essential retail parking during the pandemic, increased home-working and furlough and customers' desire to avoid crowded shops.
23. However, the evidence does not appear to demonstrate a significantly reduced demand for parking during the pandemic nor does it appear to take into account the widely reported shift from public transport to private vehicles, which may have resulted in a greater proportion of trips by car during the survey. I accept that if working patterns established during the pandemic do not persist, then there could be a return to increased parking demand at peak times of day. Conversely, if flexible home-working does persist then the current pattern of activity might not change markedly in the future. Similarly, while a restriction on the duration of car park stay might not significantly free up capacity in the context of pandemic patterns of activity, I cannot be certain that this would be the case during normal operating conditions.
24. The survey was carried out when a nearby Aldi store and car park was closed, which is likely to have increased the parking pressure at the appeal store. I note the suggestion that the temporary increase in demand would be offset by the reduced demand for parking during the coronavirus pandemic. However, there appears to be little in the way of comparable survey data to establish car

- park use when the nearby Aldi store is fully open or to demonstrate reduced parking demand during the pandemic.
25. The car park operates close to capacity during the busiest periods and it would be busier during Christmas and Easter bank holidays. However, it has not been demonstrated that the operation of the car park results either in customers choosing to shop elsewhere or in congestion to the detriment of the safe operation of the local highway network. The short-term high demand during public holidays does not justify a permanent car park expansion.
26. My attention has been drawn to the Aldi food store in Cleveleys Town Centre, where planning permission was granted for demolition of dwellings to increase car parking provision. In the absence of full details, I cannot be certain that retail stores elsewhere, in different administrative areas and surrounding contexts, are directly comparable or provide a justification for the proposal.
27. The Council can currently demonstrate a 5 year supply of deliverable housing sites. However, this is in the context of a tightly constrained urban area with little opportunity for new residential development. While the loss of 2 dwellings suitable to be occupied by families would have a negligible impact on the supply of housing, the proposal would conflict with the Government's objective of significantly boosting the supply of homes. Therefore, this is a matter that must weigh against the proposal, albeit to a limited degree.
28. Planning permission is not required for the demolition of the dwellings or the erection of a 2m fence. The appellant intends to demolish the dwellings and the fence has been erected. The removal of the dwellings would not make a positive contribution to visual amenity, but there is little to suggest that the fallback would result in significantly greater adverse visual impacts than the proposal. In any case, the fallback position would not be a car park and it would not disturb the neighbouring residential occupiers. Therefore, the permitted development rights carry limited positive weight.
29. The Framework advises that significant weight should be placed on the need to support economic growth and productivity. The proposal would not be an expansion of the business. There would be limited economic benefits during demolition and construction. It has not been demonstrated that the current parking provision is compromising the viability of the business or that there would be significant economic or productivity benefits in the longer-term.

Conclusion

30. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
31. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR