

SEQUENTIAL ASSESSMENT

**Demolition and
decommissioning of existing PFS
and linked convenience store
and erection of replacement
convenience store and
associated works**

**Esso PFS, Fleetwood Road,
Anchorsholme**

November 2021



Summary

Proposal:

Demolition and decommissioning of existing PFS and linked convenience store and erection of replacement convenience store and associated works

Location

Esso PFS, Fleetwood Road, Anchorsholme

Date

November 2021

Project Reference

S21.282

Client

EG Group Ltd

Product of

Asbri Planning Limited

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Introduction

- 1.1 This Sequential Assessment has been prepared on behalf of EG Group Ltd to accompany a full application proposing Demolition and decommissioning of existing PFS and linked convenience store and erection of replacement convenience store and associated works at the Esso PFS, Fleetwood Road, Anchorsholme.
- 1.2 Policy CS4 (Retail and Another Town Centre Uses) of the Blackpool Core Strategy seeks to strengthen town centres' role as the focus for development and safeguard their viability and vitality through focusing retail development within their boundaries. The Policy states that where it is demonstrated that sites within the defined centres are not available, suitable or viable, edge of-centre sites should then be considered in line with the principles of the sequential approach. Accordingly, a sequential assessment of relevant centres has been undertaken.
- 1.3 Other centres, a significant distance from the application site, would not be in "competition" to serve the catchment area where there is an identified need for the proposed development and therefore would not be suitable alternatives for the operator and thus not sequentially preferable.
- 1.4 In order to provide clarity, the application specifics comprise:
 - Site development area of approx. 1,900 sqm
 - Convenience store measuring 490 sqm
 - 21 no. car parking spaces
- 1.5 The overall site area measures 0.19 hectares in extent. It is on this basis and the specifics of the application that the search for alternate sites has been based (albeit allowing for a significant level of flexibility).

Sequential Analysis

Purpose and Application of the Sequential Test

- 2.1 The objective of the sequential test is to locate appropriate, town centre uses within central locations. It is accepted that at a local level, it is a priority of the Council to promote retail uses within the various centres throughout the Authority area.
- 2.2 Notwithstanding, the purpose of the sequential test is not simply to justify refusing planning permission for developers seeking to develop sites in non-town centre locations. Alternative sites within central areas must be suitable, viable and available for the proposed development to be considered sequentially preferable.

Legal Precedent

- 2.3 The seminal and established Supreme Court case law example of Tesco Stores Limited v Dundee City Council provides clear guidance to LPA's in respect of the application of the sequential test. It is important to highlight at this point that whilst the Dundee case was a Scottish case the Supreme Court's decision applies in England. This has been confirmed in the recent Secretary of State decision in Rushden Lakes (see below).
- 2.4 The decision is helpful in understanding the realism with which Local Authorities should consider sequential assessments. It is also useful in discussing the application of planning policy by LPA's.
- 2.5 The court held that interpretation of policy was a matter of law, not a matter of judgment, professional or otherwise. Previously the position was that, in effect, provided that the interpretation put on a policy by the decision-maker was not unreasonable, the court would not second guess that approach.
- 2.6 In Paragraph 38, Lord Hope provided important guidance as to the interpretation and indeed application of the sequential test:

"Here too the context indicates that the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so."

- 2.7 The Tesco v Dundee decision has been reinforced by the Zurich Assurance Limited v North Lincolnshire Council (20 December 2012). The focus of the Appeal was the requirement for LPA's to assess the sequential test within the boundaries of commercial realities. To that end, the decision states:

"It is also important to mark that developers, and planning authorities, work in the real world. Marks & Spencer had assessed the only available town centre alternative to the site, and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their requirements."

- 2.8 Further to the above, the Scunthorpe judgement (TJ Hughes / M&S) is also helpful in respect of viability. Indeed, para 60 of the decision states:

"In my judgment, it is simply incorrect to say that there was no evidence before the officer and committee that (i) the T J Hughes unit was too small to create an economically viable Marks & Spencer food and non-food store, or (ii) it was not economically viable to split the operation into two parts, one of which might be housed in the T J Hughes unit. The evidence was that Marks & Spencer had considered the T J Hughes unit, and in their opinion, they could not use that unit (or, indeed, any unit in Scunthorpe town centre) for an economically viable operation. For that reason, they had no interest in any available site other than the Site, as the representative at the hearing made clear. That was evidence that the committee could properly take into account. It is unrealistic to expect a commercial operator to reveal its precise commercially sensitive and valuable calculations as to why it considers possible alternatives to the development proposal not to be commercially viable; and it is unnecessary for them to do so to enable a planning authority to come to a view on viability."

- 2.9 A further notable decision in the context of the sequential test comprises a Secretary of State decision to uphold and Inspectors recommendation to allow the erection of a mixed-use scheme at Rushden Lakes (ref. APP/G2815/V/12/2190175). Paragraph 2.64 is key in respect of the level of flexibility which must be shown as part of the sequential test:

"...in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site."

- 2.10 Paragraph 2.68 identifies that the consideration of disaggregation of specific elements of schemes as part of a sequential assessment is not reasonable:

"There is no longer any such requirement stated in the NPPF...Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. It is too large a point to rest on implication. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24]."

- 2.11 Finally, at paragraph 8.55, the Rushden decision also provides guidance on when a site can be considered "available":

"In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are "available". It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years. NBC has previously adopted the same interpretation of "available" as LXB do. Mr Lewin accepted that in the Committee report (24 July 2012) in relation to an application to redevelop the Royal Mail site at Barrack Road for a 5,000+ sq m Tesco superstore, the Council rejected Legal & General's objection that availability should have been looked at over a longer time frame. The site was not currently available and that was what was required by the sequential test."

- 2.12 Accordingly, any sequential assessment must be undertaken on a flexible basis, both on the side of the LPA and the developer and mindful of relevant case law examples.

- 2.13 The below sequential assessment has been prepared mindful of the above case law.

Location of Application Site

- 2.14 The application site is located to the South of Anchorsholme Lane West and the West of Fleetwood Road. It currently comprises an Esso Petrol Filling Station and linked Spar convenience store. It is 0.79 acres in size and the Spar store as existing comprises 161 sqm GIA.
- 2.15 Vehicular and pedestrian access is achieved via Fleetwood Road. A secondary servicing exit is located out onto Anchorsholme Lane West.
- 2.16 The site benefits from exceptional transportation links and is strategically located in order to access a wide highway network including the A587 – an arterial route running North / South within the Authority boundaries. A tram stop is located opposite (Anchorsholme Park).
- 2.17 The nearest bus stops are located adjacent on Anchorsholme Lane West within a two-minute walk. A summary of the main bus route which serve these stops are provided in Section 2 of the Highways Note which forms part of the application package.
- 2.18 The site is prominent at the junction of Anchorsholme Lane West and Fleetwood Road. The existing PFS is tired in appearance.
- 2.19 It is classified as an area benefiting from flood defences for the purposes of achieving a planning permission.
- 2.20 Surrounding uses are a mixture of residential uses to the South and West and commercial uses to the North and East.
- 2.21 Based on a Heritage England search, the site is free from constraints in this respect.

Application Site Planning History

- 2.22 A planning history search for the property and its surroundings has been undertaken via the Council's online planning search system. There are a significant number of applications forming the planning history though the overwhelming majority are minor in scale and operational requirements linked to the PFS.
- 2.23 Based on our search, planning permission LPA Ref-93/1078 is the prevailing consent at the site. The consent was approved on 31 January 1994 and allowed for - *Erection of Petrol Filling Station Comprising of Sales Kiosk, Canopy, Petrol Islands, Underground Fuel Storage Tanks, Automatic Car Wash, Tank Room and Amendment to Vehicle Crossing.*

Scope of Sequential Assessment

- 2.24 An assessment of Anchorsholme and Thornton Cleveleys has therefore been undertaken. Given the edge of centre status of the site and distances of other centres from the site, it is considered that the assessment is comprehensive, robust and fair. It is clear that the other centres are not within a reasonable distance of the application site so as to be able to be considered alternatives in respect of the sequential test. Were the proposed development to be relocated to them, the operation would be serving a separate catchment area for which there may not be an identified need for the proposed uses. Therefore, they would not comprise suitable alternatives for the applicant.

- 2.25 It has been comprehensively evidenced throughout the Retail Statement which forms part of the application package that the unit is of such small scale, it is clear that it will not give rise to any impact concerns in respect of Anchorsholme or Thornton Cleveleys or indeed any further afield.
- 2.26 Given the purpose of the proposal is to serve the site and wider area, it would be unreasonable to consider sites in centres beyond those identified below purely for the purposes of the sequential test – particularly in the context of relevant case law (Tesco V Dundee).
- 2.27 Further to the above, the assessment has been made on the basis of the proposed development holistically. It is identified above that disaggregation of elements of the proposed development would not be in accordance with prevailing case law.
- 2.28 In accordance with the above, the sequential test has been prepared on the basis of the below centres. The geographic coverage of the sequential test is fair and in accordance with recent decisions by the LPA.
- Anchorsholme Lane Local Centre
 - Thornton Cleveleys
- 2.29 In accordance with the above and planning policy at a local and national level, we have assessed the above centres both in respect of existing opportunities (i.e. vacancies) and development opportunities.

Sequential Assessment

- 2.30 In this section, we present the results of our sequential assessment. The following general observations set the context for the assessment:
- The site is strategically located with immediate access to a wide highway network including A587 and Anchorsholme Road West.
 - The existing PFS is underperforming and therefore, EG Group, a market leader in the provision of the sale of fuel is seeking an alternative use for the site in order to safeguard its positive use;
 - The application proposes the redevelopment and decommissioning of the site in order to provide a small-scale convenience store to be occupied by Asda. It is not speculative;
 - The application site is located in an edge of centre location in retail policy terms;
 - The proposed development will result in significant economic benefits in the form of circa 8 full time positions;
 - The unit is not of a scale to give rise to retail impact considerations and will fulfil a “top up” shopping function. It will compliment existing facilities within the Kelso Avenue / Anchorsholme Lane Local Centre;
 - The site is highly prominent and therefore it is considered important that it is in positive use and providing jobs / services;
 - As existing, the site includes an unrestricted Spar store comprising 161 sqm.

Application Specifics

- 2.31 A fundamental element of any sequential assessment is to set the parameters under which the assessment should be undertaken. To that end, the specifics of the application to which this statement relates are key. These comprise:
- Site development area of approx. 1,900 sqm
 - Convenience store measuring 490 sqm
 - 21 no. car parking spaces
- 2.32 In order to evidence that the sequential test has been undertaken in a correct manner, it is important to show flexibility in respect of the size of the site search. To that end, the assessment of alternate sites within relevant centres will be based upon sites that fall within 75% of the scale of the application site. In accordance with the above, and to provide clarity, **our search has been undertaken on sites of 0.148 hectares / 1,475 sqm and above** (i.e. a 25% reduction in scale when compared to the application site). It is clear that in setting the level of flexibility at 25%, the applicant is willing to show a level in excess of that compared to a traditional approach to the sequential test.

Anchorsholme Lane Local Centre

Vacant Units

- 2.33 The site is located immediately adjacent to Anchorsholme Lane Local Centre and would qualify as an edge of centre site. The centre is small in scale but both vital and viable in respect of NPPF tests.
- 2.34 It features a Lidl Supermarket, car dealership and several small-scale units at ground floor level with residential units above. Based on information from Experian, there are no vacancies within the centre. Irrespective, it is clear that only the Lidl store site is of the scale required in order to comprise a realistic alternative to the application site for the purposes of the sequential test.
- 2.35 In accordance with the above, there are no existing vacancies within the centre that could be considered suitable, available and viable alternatives to the application site. The sequential test is therefore satisfied in this respect.

Development Opportunities

- 2.36 In addition to the above, we have also considered the potential for development sites within and on the edge of the Town Centre. Our research and identification of suitable sites has been based upon the following:
- A working knowledge of development opportunities within the surrounding area.
 - A review of the Proposals Map and allocations.
- 2.37 The centre is densely developed and tightly bounded. The highway network and residential units act as barrier to its expansion to the north, south and west and east. It is clear that there are no development sites that could be considered suitable, available and viable alternatives to the application site. The sequential test is therefore satisfied in this respect.

Thornton Cleveleys Town Centre

- 2.38 Though it is considered that the proposed development is not of the scale where it could be realistically likely to result in detrimental impact on the centre, Thornton Cleveleys is the closest retail centre of scale to the application site. Notwithstanding, in the interests of a comprehensive sequential assessment, we have included it within our survey area.
- 2.39 The centre is in good health. It includes a series of national operators including Wilko, M&S, Poundland and B&M. It also includes various leisure uses linked to its seaside location.
- 2.40 Information provided by Experian confirms that only 20 of the units within it are vacant. A schedule of the vacancies is provided below:

Activity	Category	Use C...	Misc Text	Street Nu...	Road Name	Goald Are...
VACANT	VACANT RETAI...	A1		1 - 2	ROSSALL ROAD	280
VAC	VACANT RETAI...	A1		84 - 86	VICTORIA RO...	210
VACANT RESTAURANT	VACANT RETAI...	A3		101	VICTORIA RO...	170
VAC OFFBUS	VACANT OTHE...	B1		5	ST GEORGES ...	170
VACANT	VACANT RETAI...	A1		94	VICTORIA RO...	120
VACANT	VACANT RETAI...	A1		46	VICTORIA RO...	120
VACANT	VACANT RETAI...	A1			VICTORIA RO...	100
VACANT	VACANT RETAI...	A1		137	VICTORIA RO...	90
VACANT	VACANT RETAI...	A1		9	ROSSALL ROAD	90
VACANT	VACANT RETAI...	A1		37	VICTORIA RO...	80
VACANT	VACANT RETAI...	A1		133	VICTORIA RO...	80
VACANT	VACANT RETAI...	A1			BRIGHTON AV...	70
VAC REST	VACANT RETAI...	A3		55	VICTORIA RO...	70
VACANT	VACANT RETAI...	A1		4	BRIGHTON AV...	60
VACANT	VACANT RETAI...	A1			VICTORIA RO...	60
VAC BANK/FIN	VACANT RETAI...	A2		57A	VICTORIA RO...	50
VACANT	VACANT RETAI...	A1		2	CLEVELEYS AV...	40
VACANT	VACANT RETAI...	A1		1A	NUTTER ROAD	40
VAC	VACANT RETAI...	A1		9	RUNNYMEDE A...	20
VACANT	VACANT RETAI...	D2			VICTORIA RO...	20

- 2.41 The largest vacancy within the centre comprises 1-2 Rossall Road. The unit is 280 sqm and therefore just 19% of the required site size even when allowing for flexibility. It is therefore clear that there are no existing opportunities within the centre which could be classified as suitable, available and viable alternatives to the application site.
- 2.42 In accordance with the above, the sequential test is therefore satisfied in this respect.

Development Opportunities

- 2.43 In addition to the above, we have also considered the potential for development sites within and on the edge of the Town Centre. Our research and identification of suitable sites has been based upon the following:

- A working knowledge of development opportunities within the surrounding area.
- A review of the Proposals Map and allocations.

2.44 The centre is densely developed and tightly bounded. The highway network and residential units act as barrier to its expansion to the north, south and east. The seaside is located to the west. There are no development opportunities that are readily available within it or which could be classified as edge of centre in respect of retail policy.

2.45 In accordance with the above, the sequential test is therefore satisfied in this respect.

Conclusion

2.46 Asbri Planning has undertaken a comprehensive survey of Anchorsholme and Thornton Cleveleys. It is clear from the results of the survey that there are no existing, suitable and available alternatives to the application site within, or on the edge of the centre surveyed in respect of existing opportunities.

2.47 We have also reviewed known development sites within and surrounding the centre. It is clear that though there are a small number of potential opportunities, for the reasons discussed above, they are not suitable, viable nor available.

2.48 It is therefore concluded that there are no units or development sites within the surveyed centres which can form a sequentially preferable alternative to the application site. Consequently, the requirements of the sequential test have been satisfied.

Conclusion

- 3.1 This Sequential Assessment has been prepared on behalf of EG Group Ltd to accompany a full application proposing Demolition and decommissioning of existing PFS and linked convenience store and erection of replacement convenience store and associated works at the Esso PFS, Fleetwood Road, Anchorsholme.
- 3.2 Policy CS4 (Retail and Another Town Centre Uses) of the Blackpool Core Strategy seeks to strengthen town centres' role as the focus for development and safeguard their viability and vitality through focusing retail development within their boundaries. The Policy states that where it is demonstrated that sites within the defined centres are not available, suitable or viable, edge of-centre sites should then be considered in line with the principles of the sequential approach. Accordingly, a sequential assessment of relevant centres has been undertaken.
- 3.3 The site is situated in an edge of centre location. The overwhelming majority of trade will be drawn from residents living in the immediate vicinity. A comprehensive sequential assessment has been undertaken to demonstrate that there are no sequentially preferable sites within Parkstone (Ashley Road) Town Centre.
- 3.4 The assessment is comprehensive and investigated both in respect of existing vacancies in or on the edge of the centres identified above. In addition, development opportunities are also assessed.
- 3.5 The statement concludes that there are no sequentially preferable units or sites within the search boundaries and that the sequential test has been satisfied.