



# Appeal Decision

Inquiry opened 10 March 2009

Site visits made on 12 and (unaccompanied) on 13 March 2009

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an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**24 June 2009**

**Appeal Ref: APP/M2325/A/08/2083308**

**Land at, and adjacent to, the former GEC Marconi plastics factory Mill Lane, Warton, Lytham St Annes, PR4 1AX**

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission.
- The appeal is by BAe Systems Properties Limited against the decision of the Fylde Borough Council.
- The application (ref: 07/0895 and dated 16 August 2007) was refused by notice dated 11 June 2008.
- The development proposed is described as an outline application for 'a mixed use employment and retail development comprising business park, hotel, pub/restaurant, food and non-food retail, including associated road infrastructure improvements'.

**Summary of Decision: ~ The appeal is dismissed.**

## Procedural matters

### *The proposal*

1. This outline application seeks approval for the new roundabout and access arrangements proposed from the A584 into the site, but details of the appearance, layout, landscaping and 'scale' of the scheme are to be reserved for subsequent approval. The original project included a food-store of about 2800m<sup>2</sup>, a group of non-food shops amounting to 700m<sup>2</sup> and a single non-food shop of 300m<sup>2</sup>, thereby resulting in a total of some 3800m<sup>2</sup> (gross) of new retail floorspace, equivalent (I think) to about 2½ times the estimated net floorspace currently in Freckleton and Warton. Some 7200m<sup>2</sup> of office or business floorspace was also proposed, together with a petrol filling station, a 26 bedroom hotel, a public house and a restaurant, the latter 3 concerns offering about 1250m<sup>2</sup> of new 'leisure' floorspace. Hence, some 12300m<sup>2</sup> of retail, commercial and business floorspace was originally envisaged.
2. Following much discussion a revised scheme has been submitted. As currently proposed, and as determined by the Council in June 2008, the scheme now entails a smaller food-store of just under 1400m<sup>2</sup>, omits the petrol filling station and re-sites a non-food unit towards the entrance of the site. The access arrangements also incorporate provisions to re-route most of the BAe traffic from Mill Lane to the new roundabout on the A584. As a consequence of such revisions the proposal would now entail nearly 2400m<sup>2</sup> of new retail floorspace, equivalent to roughly 1½ times the estimated net retail floorspace in Freckleton and Warton; the other business and leisure aspects of the scheme (including the hotel) remain unchanged.

*The need for EIA*

3. Although this scheme constitutes 'urban development' as described in Schedule 2 and exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Council consider that, largely due to the nature of the previous uses on the site, the scheme would be unlikely to have significant environmental effects, given the guidance set out in Schedule 3 to the Regulations. This is confirmed in the Screening Opinion issued by the Council and dated 30 October 2008. The scheme does not, therefore, constitute EIA development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. However, careful assessments have been undertaken relating to contamination, ecology, flooding and surface water management; a consultation statement has also been prepared.

**The site and surroundings**

4. Warton straggles beside the wide carriageways of the A584, the old road connecting Lytham St Annes (about 4km to the west) to Preston (some 12km to the east). The neat bungalows and suburban estates (accommodating roughly 3700 people) spread along almost 2km of Lytham Road arranged in closes and culs-de-sac, drives and avenues, on either side of the carriageway. The settlement merges with the suburban outskirts of Freckleton, an older and larger 'village' (of about 6300 people) centred on a dozen small shops and a couple of public houses in a 'local centre' arranged around an attractively restored War Memorial garden. There is no 'local centre' in Warton; the village 'makes do' with a few sporadic outlets, including a small Co-op store, a newsagent and a kiosk at a petrol filling station.
5. Between the dwellings to the south of Lytham Road and the marshlands beside the Ribble Estuary lie the runways and buildings of Warton Aerodrome and the cacophony of structures operated by BAe Systems. From time to time the huge noise of jet engines envelopes everything around. The appeal site (the former GEC Marconi factory) now forms a north eastern segment of the BAe Systems and Warton Aerodrome complex extending from a vacant bungalow on Lytham Road to an area behind a modern Sports Club building some 600m to the south west. It is an area of nearly 5ha covered mainly in thick concrete (sometimes the floor and foundations of large industrial structures, long since demolished) or enormous hanger-like warehouses, now rusty and redundant. The remaining structures (including the warehouses) encompass some 10,000m<sup>2</sup> and range from 8m to 15m in height. The place is pervaded by an air of neglect and decay, quite at odds with the scientifically based engineering undertaken nearby; the large buildings also loom above the suburban dwellings to the north. A swathe of trees mask the 'made-up' ground above the banks of Pool Stream (the eastern boundary of the site), partially screening the dwellings backing on to the opposite bank in Rydal Avenue. An area of rough grassland and a vacant bungalow on Lytham Road form the most northerly part of the site.
6. Buses ply along Lytham Road. Roughly 6 each way during peak hours connect Warton with Preston, Lytham, St Annes and Blackpool; roughly 4 each way also connect the 'village' with Kirkham, Lytham, Blackpool and Cleveleys.

## **The proposal**

7. The various elements currently proposed are shown laid out indicatively on an illustrative 'master plan'. Essentially the retail elements would be positioned towards the entrance into the site from the new roundabout, the non-food units at the front with the food store and car park to the rear. The business and office units would be positioned to the south amongst landscaping and car parks with the hotel, restaurant and bar forming a focal point. Between those areas specifically identified as part of the proposal lie 2 areas simply marked as 'future development land'. This is shown as allocated for employment and industry (under policy EMP2) on the Proposals Map and includes the redundant hanger-like buildings. In the 'traffic impact assessment' it has been assumed that this land might generate traffic flows equivalent to some 200 dwellings.
8. A section 106 Undertaking offers a sum of almost £305,000 to cover improvements to bus stops, a route management study and speed limit signage as well as the implementation and monitoring of 'interim' and 'final' Travel Plans. The latter aim to minimise car use by visitors and employees; encourage walking and cycling in a pleasant environment; promote the use of public transport; and, improve road safety. A further £20,000 is offered to provide interactive speed limit signs on approaches to the new roundabout.
9. Conditions are suggested to limit the size of the retail units (as indicated above), to prevent the agglomeration of the food and non-food outlets and to confine the sale of convenience and non-food items to the floorspace specified.

## **Planning policy and the main issues**

10. The Development Plan now consists of the adopted RSS (guiding development up to 2021) and the 'saved' policies of the Local Plan (last reviewed and adopted in 2005). The former sets out criteria for the selection (in the context of preparing LDDs) of 'key' and 'local' service centres (policy RDF2) intended to be the main foci for development outside Blackpool in relation to this part of the 'central Lancashire city region' that is the 'wider Fylde coast' (policy CCL2); as yet there is no hint of any LDD in which such 'selection criteria' might be applied. The latter largely imposes the tests set out in PPS6 (policies SH13 and SH14), though those policies were originally intended to operate in the hierarchical context of the 'centres' identified in the Structure Plan; in Fylde that hierarchy consisted of 'town centres' (St Annes, Lytham and Kirkham), 'local centres' (including Freckleton village) and unidentified small parades or single shops. The Plan does not identify a 'local centre' in Warton. But it does acknowledge the 'low level' of convenience shopping facilities in the village, given its size and the number of people working at BAe. To redress that deficiency the Plan allocates a site for a food store and other community facilities (including a local health centre and a pharmacy) under policy SH11. That site is a garage close to the junction of Church Road and Lytham Road (described as being in the centre of the settlement) and not far from the few existing facilities (a small post office, a store and a disused library); it lies roughly 850m to the west of the proposed entrance into the appeal scheme. However, subsequent development has rendered that allocation unrealistic; the site is no longer available.

11. Of course, most of the scheme is to consist of business and office units (with a hotel and restaurant), though land is also marked for 'future development'. Those aspects of the proposal are endorsed by the 'previously developed nature' of the site and by the allocation of nearly all that land for employment and industry purposes under policy EMP2 of the Local Plan. The Council agree that the loss of a small area for retail development could be accepted as 'enabling development'. No important ecological interests have been identified; flood risks, drainage and sewerage could be adequately catered for, subject to agreed conditions; and, the Highway Authority have, certainly since 2001, endorsed the provision of an additional roundabout on the A584 as a means of accommodating an access to development on the BAe site.
12. Nevertheless, permission was refused by the Council in June 2008 against the planning officer's recommendation. Essentially, the first two reasons for refusal asserted that, given the 'out-of-centre' location of the retail units proposed, the scale of the floorspace would be inappropriate in relation to the nature of the settlement and the function of the catchment area, thereby adversely affecting the vitality and viability of nearby centres, including the village of Freckleton and the towns of Kirkham and Lytham. The third reason related to the affects of the access arrangements on the amenities of residents and on the safety of all road users; an additional concern was that the scheme appeared to encourage dependence on the private motorcar. The proposal was thus held to be contrary to the Structure Plan (then applicable) and to policies SH13 and SH14 of the Local Plan.
13. Subsequently, the Council sought professional and legal advice in December 2008 on both the retail and highway aspects of the scheme. As a result they decided that their previous concerns could be alleviated by the imposition of appropriate conditions; a resolution to support the scheme subject to such conditions was approved in January 2009. The conditions deemed necessary sought to limit the size of the retail units, prevent the agglomeration of the food and non-food outlets and curtail any addition to the floorspace for convenience goods; those conditions are agreed. The Council also sought revisions to the access arrangements. Suggested mechanisms were to treat the current highway proposals as 'illustrative' of reserved matters or to impose a 'Grampian' style condition preventing development until amended arrangements might be approved. Neither course of action proved acceptable to the appellants. As they point out, the Highway Authority had agreed that the roundabout design was acceptable in principle, requiring only the sort of minor 'tweaks' inherent in the design process or required to comply with subsequent safety audits. Moreover the design is set out in detail and approval for that design is explicitly sought in the application.
14. Local people do not endorse the stance adopted by the Council. The gist of their main concerns focus on the traffic and retail proposals. The traffic arrangements are condemned as inadequate and dangerous, being based on designs previously rejected 7 or 8 years ago. Lytham Road is busy and the proposal would appear to be aimed at accommodating the additional traffic generated by the business and retail development with as little delay as possible, making it difficult for residents to enter and leave their homes by car, subjecting pedestrians to longer detours in crossing the road and offering poor facilities to cyclists. Some suggest that a traffic light controlled junction would

offer a better alternative; indeed, such arrangements perform well elsewhere. There is also concern that the local shops could be affected, thereby not only jeopardising the 'local centre' in Freckleton, but also undermining the sort of service enjoyed by older people in the village and offered by outlets (such as the Spa shop) long embedded in the local community; a submitted petition testifies to the extent of those worries. And, by 'clawing back' trade from Lytham and Kirkham, there is concern that the scheme would threaten the smaller independent outlets that contribute so much to the character of both towns.

15. Other objections are also raised. But, I agree with the planning officer that the evidence available offers little support for those concerns. So, although the scale of the business development is questioned, almost all the land is allocated for employment uses in the Local Plan and the RSS offers the flexibility to accommodate the scale of such development at Warton and Freckleton, given the historical use of the site. Similarly, the proposed hotel, public house and restaurant would form a small part of the scheme and, although no specific need might exist, such development could complement the business uses (including existing employees and visitors to BAe) and would not be large enough to obviously jeopardise similar uses in town centres. The submitted ecological statement offers no evidence of bats within the buildings and the area around the brook would be retained and enhanced with new planting, thereby improving its natural value and providing additional screening for the dwellings to the east; no objections on ecological grounds are raised by the County Council or by the Environment Agency. And, although the levels in Pool Brook and the drain across the site can fluctuate, and much of the site is made up land above the level of the surroundings, I see no reason to disagree with the Environment Agency's assessment that, subject to suitable conditions, surface water discharges could be regulated satisfactorily. The capacity of the sewerage system could also be addressed.
16. In those circumstances, and from what I have heard, read and seen, I consider that this case turns on whether the proposal would:
- i) unacceptably exacerbate road hazards, or
  - ii) jeopardise the vitality and viability of nearby centres.

*Access arrangements*

17. Although the access arrangements are set out in detail and the application sought approval for them, they have undergone numerous subsequent modifications, the last being undertaken during the course of the inquiry and dated 11 March 2009. I realise that the Highway Authority have agreed that a 'roundabout design' is acceptable in principle. But, perhaps that is not surprising since many elements of the current proposal appear to me to reflect the scheme emerging from the County Council back in December 2001. Problems still remain. And, the fact that they persist so long after an eastern access to the BAe site was first considered indicates to me that the arrangements currently proposed may be fundamentally unsound. There are 2 main problems. First, there is a need to accommodate access and egress for dwellings on the northern side of the proposed roundabout (34 to 42 Lytham Road) as well as for land behind some of those dwellings used as a nursery, for caravan storage and by the Caravan Club. Second, there are some geometrical

constraints relating to the juxtaposition of the eastern exit from the roundabout with a pedestrian crossing (to be upgraded from a 'pelican' to a 'puffin') across Lytham Road and the visibility available for dwellings on the southern side of the A584 close to the western exit from the proposed roundabout.

*Access to the northern side of the roundabout*

18. Access and egress for the properties and for the Caravan Club site on the northern side of the A584 would be provided by a one-way service road with an entrance from the west and an exit to the east. Those wishing to travel in different directions would be confronted with some awkward manoeuvres. Those leaving the service road but wishing to travel west must merge on to a dedicated traffic lane for 'through traffic' and continue eastwards to circumnavigate the roundabout at the Freckleton by-pass returning westwards to renegotiate the proposed roundabout and continue along Lytham Road. Those wishing to enter the service road and travelling from the east would have to negotiate a 'right turn pocket' on the west bound exit and cross 2 lanes of traffic (one being designed to speed the passage of 'through traffic' past the roundabout) in order to do so. Clearly those arrangements would be inconvenient and awkward. In my view, they would also be inherently hazardous.
19. The 'right turn pocket' would be positioned immediately on entering the west bound exit to the roundabout. It would be a little over 17m long and there would be a single nearside lane to accommodate west bound traffic; the southern and eastern arms, as well as much of the roundabout itself, would accommodate 2 lanes. Those arrangements would engender several difficulties. First, it seems to me that the 'right turn pocket' would be positioned exactly where motorists might expect to encounter a 'merging' lane, heralding the reduction in the width of the west bound carriageway from two lanes to one. The occupation of the 'pocket' by a vehicle could thus come as an unexpected surprise necessitating awkward and perhaps ill-considered avoiding action. It could also have the effect of transferring 'merging' manoeuvres to the roundabout itself, thereby intermittently altering the flow of vehicles through the junction. Of course, the service road would provide access for only 5 dwellings and the land including the Caravan Club site. But, the low level and intermittent nature of such traffic would make it all the more unexpected and, consequently, accentuate the hazards engendered by the 'right turn pocket'.
20. Second, although the 'right turn pocket' (as finally configured) would accommodate a car towing a caravan, it would not be long enough to comfortably accommodate another vehicle, which could, therefore, encroach into the roundabout and impede the flow of traffic through the junction. Although, in theory, box-junction markings on the roundabout ought to prevent such difficulties, it seems to me that adherence to such restrictions could not be guaranteed at a roundabout on a busy major road. And, even if that were not so, a stationary vehicle in the outside lane waiting to enter such a 'box-junction' could unexpectedly impede the outside lane of traffic travelling west through the roundabout, with obvious hazardous consequences. Although I agree that such an occurrence would normally be rare, there could be occasions, particularly when Caravan Club members gather together at events or holidays, when the likelihood might be appreciable.

21. Third, once in the 'right turn pocket' drivers must wait for a gap in 2 lanes of traffic to negotiate an entrance into the service road. They must first negotiate the lane of traffic slowing down to turn right into the development site: they must then cross what is likely to be a lane of faster moving traffic intending to enter the segregated 'free-flow' lane that 'by-passes' the roundabout. It would thus be necessary for drivers to negotiate separate lanes of traffic likely to be travelling at different speeds with different driver intentions. In my view that could cause confusion or engender uncertainty, particularly for those unfamiliar with the arrangements (such as holiday makers or visitors). And, of course, the need for towed caravans to undertake such a manoeuvre would necessitate waiting for longer gaps in the traffic streams. The operation of the reconfigured traffic lights at Mill Lane might result in some gaps in the traffic, although I think that the flow of traffic would begin to 'erode' those gaps over the intervening 250m or so. Moreover, if more than 2 cars formed a queue at the roundabout to turn into the site (visiting the shops, businesses or the hotel, for example), then the 'right turn pocket' would be blocked, so preventing access to the service road and prolonging the wait in the 'right turn pocket'. The analyses suggest that such queues could well occur during the morning peak period, though not during evening peak hours. I think that such delays might encourage drivers to risk responding to smaller gaps in the traffic, with obvious consequences for road safety.

*Geometry and visibility*

22. Turning to the hazards created by the geometry at the eastern exit from the roundabout, there would be just 15m between the proposed 'puffin' or 'toucan' crossing across Lytham Road and the end of a physical barrier separating the 'free flow through lane' past the roundabout and the eastern arm of the roundabout itself. In addition, the eastern exit from the service road is shown to merge with the 'free flow through lane' just before the latter would merge with the eastern arm of the roundabout. In my view, the juxtaposition of so much merging activity so close to the pedestrian crossing would be inherently hazardous, since the attention of drivers would be on negotiating the various merging manoeuvres required. The hazards would be accentuated because the nearside lane would actually accommodate the faster through traffic. Drivers emerging from the roundabout in the slower outside lane would thus be focussing on merging with the faster 'free-flowing' traffic on the 'inside lane' in a manoeuvre that might well require to execution over a distance encompassing the pedestrian crossing.

23. The hazards created by the geometry at the western exit from the roundabout involve the visibility that would be available for nearby residents at the dwellings on the southern side of the A584. At the driveway of No.35 a visibility splay of only about 2.4m by 29m would be available within the confines of the highway. In my view that would be wholly inadequate to allow drivers to manoeuvre into the main road safely, given the volume and likely speed of the traffic there. Even if the 'safe stopping distances' advocated in the *Manual for Streets* were applicable here, I doubt that such limited visibility would adequately cater for traffic likely to be accelerating out of the proposed roundabout. But the *Manual for Streets* is not applicable here. Lytham Road is not a 'street' but part of a busy primary road network where the reality does not obviously reflect the simulations of 'driver reaction times' or the degrees of deceleration capable without the effects of ice and snow from which the

guidance in that document is derived. Instead, I consider that visibility splays commensurate with the guidance in the *Design Manual for Roads and Bridges* would be more appropriate. In order to achieve such requirements for both Nos.35 and 37 Lytham Road much of the foliage in the front garden of No.35 would have to be removed and any fence reduced to little more than 1m in height. That land is not within the appeal site and is not controlled by the appellant.

24. I accept that the defects indicated above appear to be relatively minor impediments in a design solution that would otherwise cater for the traffic flows predicted here and do so in accordance with much of the applicable guidance. And, of course, the use of any junction must entail some risk. However, I do not agree that the balance between safety, the free flow of traffic and the convenience of all road users struck by this design would be an acceptable one. On the contrary, I consider that road safety and the convenience of residents are jeopardised in the attempt to accommodate traffic flows in a space constrained by surrounding development. Moreover, I do not accept that access arrangements intended to serve a major development site and one of the largest employers in the Borough should entail inherent defects like these. I consider that the access arrangements proposed would engender unacceptable road hazards. Moreover, there is no obvious simple modification that I can see that would overcome those dangers.

#### *Shopping*

25. The tests set out in PPS6 (and partly reflected in policy SH13) require that a proposal for a new retail outlet in an 'out-of-centre' location (such as this) is needed, is of an appropriate scale, satisfies the 'sequential test', is unlikely to have an adverse impact on any existing centre and is (or is capable of becoming) well served by a choice of transport modes (especially public transport). In relation to that last test, there are roughly 10 buses each way during peak hours connecting Warton with main and local centres nearby. And a section 106 Undertaking offers sums to cover improvements to bus stops, to undertake a route management study and to prepare Travel Plans. I think that this scheme would thus be well served by public transport and that the measures intended would help to encourage sustainable transport choices.

#### *Need*

26. The quantitative need for additional floorspace for the sale of convenience and comparison goods within the primary catchment area (the 2 zones within the 8-zone study area encompassing Warton and Freckleton) is agreed. From an estimated consumer expenditure on convenience goods of about £17m, barely £3m is likely to be spent in local shops trading at 'benchmark' turnovers. For comparison goods the respective figures are nearly £37m and £0.8m. Of course, actual trading patterns may be different; the survey results are not used to adjust the turnover achieved by local shops explicitly. And, a substantial outflow of expenditure is to be expected from settlements at the bottom end of the shopping hierarchy; indeed, just such a pattern would result from the application of Government policy, especially in relation to comparison goods. However, the estimated outflow of expenditure is large. And it takes place from settlements with a combined population of about 10,000 people, normally large enough to support reasonable local shopping provision.

Moreover, the dearth of retail floorspace in Warton was recognised in the Local Plan and additional provision specifically catered for under policy SH11. And, the fact that some 40% of residents travel beyond the settlements even to purchase their 'day to day' provisions would suggest that a qualitative need might exist as well as a quantitative one.

*Scale*

27. The scale of provision required to meet the quantitative and qualitative deficiency in retail provision in Warton was partly addressed in the Local Plan. Under policy SH11 a site for a food store, a local health centre and a pharmacy (amongst other things) was allocated 'to meet local needs only'. And, given that the site then allocated lay towards what might pass for the centre of Warton (an existing post office, a store and a disused library) and roughly 850m to the west of the current retail scheme, I think that the inference must be that such provision was intended primarily to serve Warton rather than provide a new combined 'local centre' for both settlements. I am in no doubt that the current proposal would be different. The food store would clearly be larger than required to serve only the local needs of Warton; indeed, roughly 20% of the turnover is predicted to be derived from residents living beyond the primary catchment area, let alone beyond the settlement. Moreover, the proposed retail scheme would lie towards the boundary between Warton and Freckleton and, given that it would accommodate about 1½ times the net retail floorspace currently existing in both settlements, it seems to me to be of a sufficient scale to serve as a new combined 'local centre'.
28. However, whether or not that would be appropriate is uncertain. Although the 'reasoned justification' in the Local Plan emphasises the local nature of the intended provision, it also implies that the 'locality' envisaged extends beyond Warton to include Freckleton. Moreover, I accept that, given the degree of the quantitative need identified, the scale of convenience provision should be capable of offering sufficient lines to cater for an appreciable element of 'main food' shopping; from which it must follow that the store should be large enough to offer a reasonable alternative to the food stores in the 'town centres' nearby. I agree that there is a balance to be struck between a scale sufficient to offer an attractive alternative to local people and one that is extensive enough to serve as an appreciable attraction to those further afield. The possibility that some 20% of the predicted turnover of the proposed food store might be due to attracting residents beyond Warton and Freckleton is not sufficient to upset that balance, in my opinion. And, given that the provision envisaged in the Local Plan involved more than just a food store, it is not obvious to me that the scale of the current scheme would necessarily be inappropriate.

*The sequential test*

29. It is clear, however, that the site allocated under policy SH11 is no longer available, having since been developed for employment purposes. A small vacant shop exists in the Freckleton 'local centre', but that would not accommodate the scale of development required. No 'sequentially preferable' site is identified. In those circumstances, and in the absence of any emerging DPD to indicate otherwise, the retail proposals must pass the 'sequential test'.

*Impact*

30. Finally, I consider the impact of the retail proposals on the 'town and local centres' nearby. As the inspector indicated in his report into objections to the Local Plan, the planning system does not protect individual businesses from competition. That means that the estimated impacts on the 'out-of-centre' Co-ops, Spa and McColls stores would not raise planning issues unless related to some impact on an identified centre. There is no centre in Warton. And, given the local nature of the shops at Freckleton village and the scale of the Co-op and Spa stores on Lytham Road, I think that both are too distant to operate as 'edge-of-centre' stores; the latter (which is very modest) would be some 200m beyond the village centre while the former (which is larger) would be some 300m distant. Hence, although both stores are clearly valued by local people, planning policy does not protect them from the competition of new development.
31. All the reviews of the submitted retail study suggest that the assumptions made are reasonable. The assumptions suggest that the proposed new food store would 'claw back' about 56% of its convenience turnover from the large stores on the periphery of Blackpool and Preston and about 41% from stores within the study area, most of it (amounting to some 28%) from the Morrisons store at Kirkham. As a result the impact on the smaller shops in town and local centres is estimated to be limited; on average, around 6% of the trade would be diverted from the small shops in Freckleton and Kirkham and barely 2% from those in Lytham. The justification proffered is that the proposed store would cater for 'main food' shopping trips and so compete with the large stores where residents of the study area currently undertake such trips. It is suggested that it would complement rather than compete with the small local shops within nearby town and local centres since they currently cater mainly for 'top up' shopping trips and, thereby, serve a different part of the food and grocery market.
32. I do not deny that such a scenario might materialise. But, in my view, it encompasses some very doubtful propositions. First, I doubt that the proposed store would offer anything like the variety and choice available at the large stores on the periphery of Blackpool and Preston. The latter would accommodate from 3 to 6 times the convenience floorspace of the proposed store and, in my view, although both would cater for 'main food' shopping trips, the nature of those trips would be distinctly different. Hence, I consider that the estimated level of trade likely to be 'clawed back' from those stores is doubtful. Second, whether or not the proposed store would operate primarily as a destination for 'main food' shopping trips, I seriously doubt that it would not also cater for 'top up' shopping. Indeed, part of the 'need' for the proposal is the claim that some 40% of residents travel beyond Warton and Freckleton to undertake their 'top-up' shopping. And, it is clear from the telephone survey that the 3 most popular places in which to undertake such an activity in the study area are the 'moderately sized supermarkets' at Kirkham (Morrisons), Lytham (Booth's in Woodland Road) and St Anne's (Sainsbury). In terms of convenience floorspace, those stores vary from about twice to about half the size of the proposed store. Hence, I fail to see why this scheme would not also offer a potentially popular destination for 'top up' shopping trips and thus compete with local outlets.

33. The implication of those doubts is that the proposed store would be likely to have a larger impact on town and local centres than the submitted analyses currently indicate. If the store would 'claw back' less of its convenience turnover from the large stores on the periphery of Blackpool and Preston, then the logic of the analysis requires that more of its estimated turnover must be diverted from elsewhere. Although that could result in a greater impact on the local 'out-of-centre' stores (such as the local Co-op and Spa), the turnover at those shops would be too small to make up the likely shortfall, in my view. I think that the additional impact would thus fall on the town and local centres nearby. It would do so in two ways. First there would be more competition with, and more trade would be diverted from, the popular 'main food' shopping outlets. Second, the 'top up' shopping role of the proposed store would engender more competition with, and divert more trade from, the main places for 'top up' shopping.
34. The survey and analysis indicate that, in relation to 'main food' shopping such an additional impact would be likely at the Morrisons store at Kirkham. Although the operation of the store itself might not be greatly affected, the building has been carefully positioned close to the primary shopping frontage in the town with pedestrian links from the car park to the town centre. I realise that the survey reveals that the proportion undertaking a linked trip as part of a 'main food' shopping expedition to Morrisons is below average (about 15% compared to an average of 25%). But, due to the popularity of that store, the number of shoppers actually undertaking such a trip would be relatively high. Moreover, the store is the most popular destination in the study area for 'top up' shopping. The survey appears to be silent about any associated linked trips. However, in my view the proportion would almost certainly be significantly higher than for 'main food' shopping. Hence, diverting additional trade from the Morrisons store at Kirkham, both for 'main food' and for 'top up' shopping, would also reduce the number of linked trips to the small shops in the town centre. I consider, therefore, that the trade likely to be diverted from the small shops in Kirkham would be significantly higher than the 6% suggested. And, given the evidence that up to 25% of the units in the town are either empty, for sale, or awaiting the expiration of a lease, I think that the scheme could affect the vitality and viability of that centre.
35. The other 'moderately sized supermarkets' in the study area popular for 'top up' shopping are at Lytham (Booth's in Woodland Road) and St Anne's (Sainsbury). However, the survey indicates that they do not attract such trade from residents in Warton and Freckleton. Hence, any impact of the scheme on those stores would involve diversions of trade from residents living beyond those villages. That is likely to be relatively modest (about 20% of the predicted turnover, as indicated above).
36. However, the survey shows that about 60% of local residents undertake their 'top up' shopping at local stores. Popular outlets include the 'out-of-centre' Co-ops, Spa and McColls stores. It is not entirely clear how popular the shops in the Freckleton village centre might be. But, if they do serve 'only a very small scale and specialised service role', including one for 'top up shopping', it seems to me that they would face severe competition from the 'top up' shopping inevitably likely to be undertaken at the proposed store. I consider, therefore, that the trade that could be diverted from the small shops in the local centre at

Freckleton would be significantly higher than the 6% suggested. And, given the that the turnover assumed for those stores is low and a vacant unit exists within the centre, I think that the scheme could jeopardise the vitality and viability of the place. That would undermine the investment in the improvements to the street and the War Memorial that contribute considerably to the attractive character of the village centre.

37. Taking all those matters into account, I think that the proposal would be well served by public transport; satisfy a qualitative and quantitative need for additional retail floorspace; not obviously be out of scale with the need identified; and, in the absence of any emerging DPD, pass the 'sequential test'. Nevertheless, I am not convinced that the scheme would pass the 'impact' test. In my view, it would engender a real risk of jeopardising the vitality and viability of nearby centres, particularly the small shops in Kirkham and Freckleton village. It would thus fail to comply with policy SH13 and the advice in PPS6.

*Conclusion*

38. I have considered all the other matters raised. I have carefully considered whether the benefits associated the industrial and business development would outweigh the defects I have identified. I am afraid, however, that I regard the access arrangements as fundamentally unacceptable. I am less certain about the conflicts with retail policy. Certainly, the scheme would meet many of the relevant tests. But, I remain unconvinced, on the evidence available, that it could be accommodated without having an adverse impact on some local centres. It may be that further analysis (disaggregating 'main food' and 'top up' shopping patterns and analysing linked trips comprehensively) might indicate otherwise. But such an analysis is not available. I thus find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR

APPEARANCES

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Cllr Alan Keetley	For Bryning with Warton Parish Council 10 Wordsworth Avenue, Warton, PR4 1EA
Elaine Silverwood	Chair, Kirkham and Wesham Business Group 61 Poulton Street, Kirkham, PR4 2AJ

Robert Silverwood	Lytham Action Group
Mrs J Brickles	Quaker House, Lower Lane, Freckleton, PR41HH
Mr Michael Gilbert	38 Lytham Road, Warton, PR4 1XD
Richard and Beryl Grimshaw	1 Wordsworth Avenue, Warton, PR4 1EA
Andrew and Susan Lee	35 Lytham Road, Warton, PR4 1AD
	Proprietors of the Spar Shop, 29 Lytham Road, Freckleton, PR4 1AA
Cllr Louis Rigby	1 Cookson Close, Freckleton, PR4 1SY
Jim Bennett	40 Lytham Road, Warton, PR4 1XD
Cllr Janine Owen	34 Beech Avenue, Warton, PR4 1BX
Ron West	42 Lytham Road, Warton, PR4 1XD
Mrs D McGovan	34 Rydal Avenue, Warton, PR4 1DJ
Mr H Bithell	48 Lytham Road, Warton, PR4 1XF
Mike Adamson	46 Lytham Road, Warton, PR4 1XD
Mrs Dorothy Hodgetts	9 Naze Lane East, Freckleton, PR4 1RA

## DOCUMENTS

- Document 1 Lists of persons present at the Inquiry
- Document 2 Letters of notification and circulation lists ~ on filr
- Document 3 Summary, proof and appendices ~ Peter Hamilton
- Figures
- 3.1 Site boundary
- 4.1 Illustrative Masterplan
- 6.1 Land use designations ~ site
- 6.2 Land use designations ~ Masterplan
- Appendices
- 2.1 Correspondence ~ 22 December 2008
- 2.2 Correspondence ~ 12 January 2009
- 2.3 Committee Minute ~ 14 January 2009
- 6.1 Employment Land and Economic Development Strategy; Stage 1 Report, June 2006, extract
- 6.2 Economic Development Strategy and Action Plan, 2008-2021, extract
- 6.3 Fylde Borough Local Plan conformity with Joint Lancashire Structure Plan
- 6.4 Additional protected species surveys (reptiles), October 2008
- 6.5 Screening Opinion
- 6.6 Site investigation report, extract
- 6.7 Air Quality Progress Report, 2008
- Document 4 Summary, proof and appendices ~ Steve Edgeller
- Appendices
- SE1 Retail Appraisal (draft), White Young Green, February 2008
- SE2 Retail Appraisal, White Young Green, May 2008
- SE3 Fylde Coast Retail Study, extract White Young Green, 2008
- Document 5 Summary, proof and appendices ~ Ruth Jeffs
- Figures
- RMJ1 Masterplan, 798/24D
- RMJ2 On site highway improvements
- RMJ3 Construction phasing
- Appendices
- 1 Draft Statement of Common Ground; Highways
- Document 6 Rebuttal Proof ~ Ruth Jeffs
- Document 7 Appendix 1 to rebuttal proof ~ Ruth Jeffs
- Correspondence and figures relating to forms of junction
- Document 8 Appendix 2 to rebuttal proof ~ Ruth Jeffs
- Correspondence and figures relating to Statement of Common Ground; highways
- Document 9 Summary and proof ~ Liz Beard1
- Document 10 Summary proof ~ Alyn Nicholls
- Document 11 Proof ~ Alyn Nicholls
- Document 12 Proof ~ Faris Samin
- Document 13 Statement of Common Ground, March 2009 (planning, retail and highways)

Document	14	Draft Statement of Common Ground, March 2009 (planning and retail)
Document	15	Draft Statement of Common Ground, March 2009 (highways)
Document	15a	Agreed total traffic flows and extract TD16/07
Document	16	Suggested Conditions
Document	16a	Suggested conditions relating to retail units ~ Alyn Nicholls
Document	17	Undertaking, signed 12 March 2009
Document	18	Draft Undertaking
Document	19	Statement ~ Cllr Trevor Fiddler
Document	20	Statement ~ Cllr Alan Keetley
Document	21	Survey of shops closed in Lytham ~ submitted by Robert Silverwood
Document	22	Supermarkets in vicinity and shops in Warton and Freckleton ~ submitted by Mrs Brickles
Document	23	Statement and letter to Jim Fitzpatrick MP ~ Mr and Mrs Grimshaw
Document	24	Statement ~ Mrs McGowan
Document	25	Photos of traffic conditions on Lytham Road ~ submitted by Mike Adamson
Document	26	Letter ~ Eileen Wood
Document	27	Petition
Document	28	Basic tabulations; Fylde telephone shopping survey
Document	29	Raw data cross tabulation, Q1 by Q11 (linked trips with shopping at Morrisons in Kirkham)
Document	30	Inspector's report relating to policy SH11
Document	31	Planning statement, August 2007
Document	32	Design and Access Statement, August 2007
Document	32a	Design and Access Statement, update January 2009
Document	33	Transport Assessment, August 2007
Document	34	Travel Plan, August 2007
Document	35	Retail Study, August 2007
Document	36	Revised Retail Study, April 2008
Document	36a	Appendices to the Revised Retail Study, April 2008
Document	37	Flood risk assessment and surface water management strategy, August 2007
Document	38	Potential contamination study, April 2004
Document	39	Site investigation report, February 2006
Document	40	Ecological assessment, October 2007
Document	41	Consultation statement, August 2007
Document	42	Correspondence relating to Lancashire CC accepting principles of highway proposals, February 2008
Document	43	Bundle of letters from 3 <sup>rd</sup> parties
Document	44	Bundle of plans, illustrative layouts, aerial photos and artists impressions

**CORE DOCUMENTS**

- CD1        *Application form and certificates*
- CD2        *Plans:*
  - 798/22B – site in local context*
  - 798/23B – site in wider context*
  - 798/24D – master plan in local context*
  - 798/25B – master plan in wider context*
  - 798/26B – master plan in wider context aerial view*
- CD3        *Planning statement, August 2007*
- CD4        *Design and Access Statement, January 2009*
- CD5        *Transport Assessment, August 2007*
- CD6        *Travel Plan, August 2007*
- CD7        *Retail Study, August 2007*
- CD8        *Revised Retail Study, April 2008*
- CD9        *Flood risk assessment and surface water management strategy, August 2007*
- CD10       *Potential contamination study, April 2004*
- CD11       *Site investigation report, February 2006*
- CD12       *Ecological assessment, October 2007*
- CD13       *Consultation statement, August 2007*
- CD14       *Letter from Lancashire CC accepting principles of highway proposals, February 2008*
- CD15       *Correspondence, May 2008*
- CD16       *Retail appraisal of the scheme by White Young Green for the Council, February 2008*
- CD17       *Retail appraisal of the scheme by White Young Green for the Council, May 2008*
- CD18       *Committee report, June 2008*
- CD19       *Refusal notice, June 2008*
- CD20       *RSS, September 2008*
- CD21       *Local Plan, October 2008*
- CD22       *Fylde Coast Retail Study, White Young Green for the Council, August 2008*
- CD23       *Employment land and economic development strategy, GVA Grimley for the Council, June 2006*
- CD24       *Economic development strategy and action plan , GVA Grimley for the Council, October 2008*
- CD25       *Air quality review progress report, April 2008*
- CD26       *PPS1*
- CD27       *Supplement to PPS1*
- CD28       *PPG4*
- CD29       *PPS6*
- CD30       *PPS9*
- CD31       *PPG13*
- CD32       *PPS23*
- CD33       *PPS25*

PLANS

- Plans A Application plans ~ See CD2
- Plan B Proposed eastern access to BAe Warton, LCC December 2001
- Plan C Access arrangements based on RMJ2; amended 11 March 2009;  
17267/015/003 rev A
- Plan D Access arrangements based on RMJ2; 4 March 2009; 17267/015/003
- Plan E Access arrangements and visibility; RMJ2, 3 February 2009  
Shows 2.4m by 40m and 2.4m by 29.3m visibility splays
- Plan F A4 size; Access arrangements based on RMJ2; 4 March 2009;  
17267/015/003
- Plan G A4 size; Access arrangements and visibility based on RMJ2; 4 March  
2009; 17267/015/003 vis 2  
Shows 2.4m by 70m visibility splay at 35 Lytham Road
- Plan H Shopping survey zones