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## Appeal Decision

Site visit made on 12 November 2018

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 January 2019**

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**Appeal Ref: APP/M2325/W/18/3208986**

**Mill Farm Sports Village, Fleetwood Road, Medlar with Wesham, PR4 3HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
  - The appeal is made by Mill Farm Ventures against the decision of Fylde Borough Council.
  - The application Ref 16/0621, dated 15 August 2016, sought approval of details pursuant to conditions Nos 11, 33, 34 and 46 of a planning permission Ref 13/0655, granted on 17 February 2015.
  - The application was refused by notice dated 29 May 2018.
  - The development proposed is described as 'Hybrid Planning Application (Part Full/Part Outline) Full Planning application – 6,000 Capacity Football Stadium, 11,431m<sup>2</sup> Warehouse and Distribution Centre (Class B8), 1,518m<sup>2</sup> Neighbourhood Retail Store (Class A1), Internal Spine Road with access from A585 roundabout, associated parking, landscaping, drainage and infrastructure. Outline Planning Application (Access sought with other matters reserved) – 8 x Outdoor Floodlit All Weather Pitches, Changing Room Block, Petrol Filling Station, 785m<sup>2</sup> Non-Food Bulky Goods Retail Unit (Class A1), Hotel (Class C1), Pub/Restaurant (Class A4), Drive Thru Restaurant (Class A3/A5), 492 Space Overflow Car Park and the formation of a Surface Water Attenuation Pond.'
  - The details for which approval is sought are: Maintenance of the Communal Areas (Condition 11); Car Park Management Plan (Condition 33); AFC Fylde Event Management Plan (Condition 34); Traffic Management Plan Mill Farm (Condition 34) and Hours of Operation of the Stadium (Condition 46).
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### Decision

1. The appeal is dismissed insofar as it relates to the car parking management and event management arrangements. The details relating to the car parking management and event management arrangements submitted in pursuance of conditions nos 33 and 34 attached to planning permission Ref 13/0655 dated 17 February 2015 are refused.
2. The appeal is allowed insofar as it relates to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium. The details relating to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium submitted in pursuance of conditions nos 11 and 46 attached to the above referenced planning permission are approved.

### Application for costs

3. An application for costs was made by Mill Farm Ventures against Fylde Borough Council. This application is the subject of a separate decision.

## **Background and Procedural Matters**

4. The planning permission detailed in the heading above is a hybrid permission that approves full permission for a sports stadium and outline permission for other leisure, retail and employment uses. It was granted on 17 February 2015 subject to conditions. Since the permission was granted almost all of the elements that it covers have been built out either under the original planning permission and subsequent reserved matters approvals or through separate permissions.
5. The appeal relates to the discharge of details associated with four 'pre-operation' conditions attached to the hybrid planning permission. The Council indicates that the stadium has been operational for over two years and so is in breach of the conditions, albeit that the application to discharge them was submitted shortly after the first matches were played at the stadium in August 2016.
6. The conditions relate to three distinct areas. The first is the maintenance agreements for the communal areas (condition 11), the second is the hours of operation of the various uses within the stadium (condition 46) and the third is the car parking management and event management arrangements including traffic management for the use of the stadium (conditions 33 and 34). The Council's refusal relates only to the details submitted in respect of car park management (condition 33) and event management arrangements including traffic management (condition 34). In its appeal statement the Council indicates that it is broadly satisfied with the details submitted in respect of the maintenance arrangements for the communal areas and the hours of operation of the various uses within the stadium (condition nos 11 and 46 respectively). From the evidence before me I see no reason to take an alternative view.
7. The Car Park Management Plan submitted with the application that led to this appeal was subject to various revisions during the Council's consideration of the application. The Council's decision was based on the version submitted in April 2018 titled Car Parking Management Strategy (CPMS). Accordingly, I have based my decision on the same version.
8. Since the Council's decision on the application subject to this appeal the Council adopted the Fylde Local Plan to 2032 (Local Plan). The Local Plan now forms part of the statutory development plan for the borough and supersedes the Fylde Borough Local Plan (As Altered) (2005). Accordingly, it is afforded full weight in the determination of this appeal.

## **Main Issues**

9. In the light of the above regarding the acceptability to the Council of the details relating to the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium, the main issues in this appeal are the acceptability of the submitted details in relation to car parking management and event management arrangements with particular regard to the effect on highway safety and the living conditions of nearby residents.

## **Reasons**

10. The original hybrid application was approved with a total parking provision amounting to 1,050 spaces across the whole site to meet the needs of all elements of the development. The evidence indicates that this number of

spaces was based on an assumption of the end uses in some areas, given the outline nature of part of the application, with 683 of them being provided for the stadium in various locations. The overall parking provision included an overspill car park to the north-east of the site which was identified with potential to accommodate 492 football related parking spaces. However, the CPMS indicates that it was always envisaged that the need for the overspill parking would be investigated and where possible alternative arrangements would be implemented to ensure adequate parking was in place without the creation of a large overspill car park which would be used only infrequently. It also confirms that it is not the intention to implement the overspill car park at any time in the near future as it is considered that appropriate parking can be provided and managed without it.

11. The evidence indicates that, at the time of the consideration of the hybrid planning application, the level of parking for the stadium was based on the 6,000 capacity of the stadium, giving a parking ratio of 1 space per 8.8 spectators. The Council indicates that condition nos 33 and 34 relate to the primary activity at the stadium which is its use for staging football matches. The CPMS indicates that the stadium currently has a licensed capacity of 4,250, which is a consequence of it only accommodating spectators on 3 sides at present with the north stand not yet having been built. It also indicates that this is in excess of the average attendances in recent seasons which is currently around 2,000 spectators.
12. The approach adopted within the CPMS is underpinned by on-site parking provision calculated by applying a ratio of 1 space per 8.8 spectators to the current stadium capacity of 4,250 spectators, giving a requirement to deliver 483 on-site car parking spaces. Whilst I note that the appellant refers to the implications of applying the highway authority's previous parking standards of 1 space per 15 spectators as a comparison for calculating the required parking provision these standards are no longer in force. Therefore, they are not afforded any weight in my consideration of this appeal. I also note that whilst the Council has not yet produced the Supplementary Planning Document that will establish the local minimum standards to be applied in the borough, policy T5 of the Local Plan, which relates to parking standards, indicates that parking should, wherever possible, be provided on site to a level that ensures there is no detrimental effect on highway safety.
13. Evidence from the highway authority of surveys of parking levels both on and off-site on recent match days and on non-match days has been submitted with the Council's appeal statement in support of both its and the highway authority's contention that the approach adopted in the CPMS which is based on the above ratio of 1 space per 8.8 spectators is ineffective and does not provide an evidence based consideration for actual demand and resulting impacts. The surveys indicate that at two of the games there were sufficient on-site spaces to accommodate the demand for car parking, demonstrated by the number of vehicles parked both on and off-site. However, at one game (the Salford match which took place in September 2018) where the attendance was somewhat higher, albeit still less than the stadium's current capacity and less than 50% of its potential capacity, car parking demand was significantly higher than the on-site provision of car parking spaces stated to be available in the CPMS.

14. I appreciate that the ratio of 1 space per 8.8 spectators was accepted by the Council and the highway authority at the time that the hybrid planning permission was being considered as the most reasonable estimate of the immediate and short term requirements of the stadium. However, it seems to me that, on the basis of the evidence from the surveys referred to above and irrespective of whether or not the actual and/or long term level of car parking available on-site is as presented in the CPMS, the overall level of on-site parking provision intended to be provided for in the CPMS is inadequate. Consequently, it is likely to result in delays on the highway network and lead to increased pressure for parking on surrounding streets to the detriment of both highway safety and the living conditions of nearby residents.
15. This is supported by the findings of the survey undertaken by the highway authority for the Salford match referred to above where all of the available on-site parking was used. Furthermore, whilst I appreciate that the provision of the overspill parking referred to above was not a requirement of the original planning permission by virtue of either a condition or a S106 obligation there is no substantive evidence to explain the position taken within the CPMS that there is now no intention to provide this. The evidence submitted by the Council by way of the surveys undertaken by the highway authority, would in my view appear to support the need for such parking provision.
16. I appreciate that the appellant cannot require all visitors to the site to park in designated on-site parking areas and that some off-site parking is inevitable. In relation to the management of such parking the CPMS indicates that traffic management measures such as the coning of local roads will be used. However, I am mindful that the appellant acknowledges the ineffectiveness of this in preventing off-site parking along some of the surrounding streets and that the evidence indicates that the coning of local roads is not legally enforceable unless the police take a view that any specific incident could be deemed to be presenting a risk to road safety.
17. There are no provisions within the CPMS to indicate that the traffic management measures/coning proposed would follow procedures agreed with either the highway authority or the police and that they would be undertaken by a suitably accredited and insured company. Accordingly, on the basis of the evidence before me I cannot be satisfied that the traffic management measures proposed in the CPMS namely the coning of local streets would be effective so as not to exacerbate parking stress within the vicinity and safeguard the living conditions of nearby residents in relation to congestion and car parking.
18. I note that the CPMS indicates that there is a commitment to ensuring that any material change in circumstances which would affect the demand for, or provision of on-site parking is matched by equivalent changes to ensure that appropriate parking levels are maintained. I also note that it sets out what such material change in circumstances would include namely a promotion or relegation of the football club; further development of any part of the site which currently functions as a match day car park; changes to the availability of those areas of car parking identified in the CPMS and any increase in ground capacity beyond 4,250. The CPMS also includes the provision for a bi-annual review commencing in June 2020 and includes a number of statements intended to allow its effectiveness to be monitored. However, in the light of my concerns above regarding the adequacy of the level of on-site parking provision proposed in the CPMS, I am not satisfied that the provisions referred to above

- provide an effective review mechanism in the event that demand for parking increases, for example due to increases in home attendance such as that experienced at the recent Salford match referred to above.
19. In addition to the CPMS an Event Management Plan (EMP) has been submitted. However, its content is somewhat limited in relation to managing the transport impacts of large events dealing instead mainly with the management of events in the interests of health and safety. In relation to transport and traffic management the EMP merely states that most people will arrive at the stadium on foot or drive and park nearby; that public transport is available and that there are a number of main arterial routes near to the stadium which are served by regular bus services and that Kirkham & Wesham railway station which provides a link between Blackpool North and Preston is nearby and that there are a number of on-site car parks at the stadium that can be used for event day parking. Furthermore, in the light of the evidence from the surveys undertaken by the highway authority regarding the blocking of the A585 roundabout at the Salford match it seems to me that the EMP is somewhat inadequate in its understanding and consideration of emergency access to and from the stadium.
  20. The hybrid planning permission (condition 34) requires that a fully detailed EMP shall be submitted and that the EMP shall include a detailed Traffic Management Plan (TMP). The submitted TMP provides little in the way of detail indicating only the situation of Mill Farm Sports Village, that local roads are maintained by the local council and highways department, that improvements have been made to the local highway infrastructure and that whilst it is not envisaged that the flow of traffic onto and off of the site would need to be managed during normal trading days the situation on match days will be monitored to ensure the free flow of traffic and that stewards in uniform will be deployed to assist in releasing traffic onto the nearby Fleetwood Road.
  21. The shortcomings of the EMP/TMP combined with my concerns detailed above in relation to the submitted CPMS mean that on the basis of the evidence before me I cannot be satisfied that the submitted details in relation to car parking management and event management arrangements are sufficient so as not to cause harm to both highway safety and the living conditions of nearby residents.
  22. The proposal would be contrary to policies T4, T5 and GD7 of the Local Plan. Taken together these policies seek to enhance sustainable transport choice, ensure that parking, should wherever possible, be provided on site to a level that makes sure there is no detrimental effect on highway safety and achieve good design in development particularly by ensuring that the development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users.
  23. It would also fail to comply with the National Planning Policy Framework which indicates that the potential impacts of development on transport networks should be addressed, appropriate opportunities for avoiding any adverse effects taken up and that developments should function well and add to the overall quality of the area not just for the short term but over the lifetime of the development.

24. For the reasons given above and having regard to all other matters, I conclude that the appeal should be allowed insofar as it relates to the submitted details of the maintenance agreements for the communal areas and the hours of operation of the various uses within the stadium but dismissed in so far as it relates to the submitted details of car parking management and the event management arrangements.

*Beverley Doward*

INSPECTOR