

COMMITTEE DATE: [19/12/2017](#)

Application Reference: 17/0699

WARD: Talbot
DATE REGISTERED: 04/10/17
LOCAL PLAN ALLOCATION: Town Centre Boundary
Retail Cafe Zone
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: JWT LEISURE

PROPOSAL: Use of premises as an amusement centre.

LOCATION: 42 ABINGDON STREET, BLACKPOOL, FY1 1DA

Summary of Recommendation: Grant Permission

CASE OFFICER

Ms P Greenway

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

SUMMARY OF RECOMMENDATION

Policy BH18 acknowledges that amusement centres are an accepted part of the shopping scene and are most appropriate in secondary shopping areas and mixed commercial development areas. However, it does not explicitly mention Abingdon Street and hence there could be perceived conflict with Policy BH18.

However, even if it is in conflict with Policy BH18, there are other material considerations, such as:

- the high vacancy rate on this section of Abingdon Street
- the length of vacancy of this unit
- the small size of the unit
- frontage improvements
- employment benefits
- year round trading
- business rates (previously a charity shop)

There are no obvious planning disbenefits which weighed against this possible deviation from the Development Plan which are sufficient to warrant a refusal.

SITE DESCRIPTION

The application site is within the Town Centre and extended Town Centre Conservation Area on the Local Plan proposals map. This property is the middle one in a terrace of three, two storey properties adjacent to the former General Post Office on Abingdon Street. The only one which is occupied is Abingdon Barbecue, the other two are vacant and have been for a while. The property has a narrow double fronted shop front and a pedestrian access to the rear for staff. Three properties directly across the road are also vacant.

DETAILS OF PROPOSAL

The proposal is for the use of premises as an amusement centre. The adult gaming machines would be restricted to the ground floor. The ground floor area is 67 sq. m. and besides the gaming floor would include a small office, store and WC towards the rear, with a window display at the front. So far as the upper floor of 35 sq. m. is concerned, it would be used for the storage of goods. These would include an office for the operator and his secretary; and storage for supplies for the catering aspect (tea, coffee, biscuits etc.), advertising material used in the window displays (posters and signs which are changed to promote offers and promotions), promotional goods (items used in promotional giveaways etc.), seasonal window dressings and shop decorations (Christmas, New Year, Easter holiday, Halloween and bonfire dressings).

The application is accompanied by a Conservation, Design and Access supporting statement.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- Principle of the use
- Impact on retail character, vitality and viability
- Impact on neighbour amenity

These issues will be discussed in the assessment section of this report.

CONSULTATIONS

Head of Highways and Traffic Management: I have no objection to this proposal.

Built Heritage Manager: The proposal will have a minimal impact on the appearance of the Conservation Area, and therefore I have no objection.

Blackpool Civic Trust: No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the update note.

Service Manager Public Protection: There are no recommended noise levels when no residential premises are affected, but self-closing doors are a good idea. The amusement centre on Church Street is moderately noisy as the door is propped open permanently. The applicant needs to demonstrate that the use will not adversely affect the neighbouring property in terms of noise. The integrity of the building needs to be assessed and soundproofing carried out as necessary to prevent excessive noise at adjacent premises. No sound reproduction or amplification equipment shall be installed or used in or adjacent to any part of the building at any time for external use.

Police Secured by Design:

The Crime Impact Statement has been formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

With regard to crime risks, in the last 12 month period (16/10/2016-16/10/2017) the crimes recorded in the area around this site include burglary, shoplifting and assault. I have also conducted a search of crimes at amusement arcades during the same period in order to assess the risk of crime at this scheme. The offences that have been recorded include assault, theft and burglary:

- Offender approached locked and secure amusement arcade and breaks into and removes a quantity of cash from a slot machine.
- Offenders have entered amusement arcade and broken through two padlocks to remove heavy duty metal bars to gain access into two machines to remove the cash boxes containing a large quantity of pound coins.

The security measures for this development must adequately address that risk of crime in order to keep people safe and feeling safe and reduce demand and calls for service on local policing resources.

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 10 October 2017

Neighbours notified: 10 October 2017

Objection from 79 Highcroft Avenue:

I read in the Gazette that there is a planning application for an amusement arcade in Abingdon Street. I understand this is in what is currently an empty shop and whilst I do not like to see shops empty in the town centre I would not like to see an 'amusement arcade' in that locality. We have an area of the town dedicated to tourists and those 'family arcades' and clearly this is not for one of those. Getting 'stuck' on using those arcade machines is a worry for young adults particularly and obviously not much real 'amusement' for those who cannot leave them alone. I would urge you as Councillors to object to this application on the grounds that it does not enhance the family experience of our town centre.

See Assessment section of the report for a response.

NATIONAL PLANNING POLICY FRAMEWORK

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 7: There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy. By ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 14: Permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole.”

Paragraph 17: Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 23: In relation to ensuring the vitality of town centres, planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

Paragraph 56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58: In relation to 'Requiring good design' that Planning policies and decisions should aim to ensure that developments:

- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 69: In relation to 'Promoting healthy communities', states that Planning policies and decisions...should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

CS7: Quality of Design

New development in Blackpool is required to be well designed, and enhance the character and appearance of the local area and should:

- b. Ensure that amenities of nearby residents and potential occupiers are not adversely affected.
- c. Provide public and private spaces that are well-designed, safe, attractive, and complement the built form.
- e. Maximise natural surveillance and active frontages, minimising opportunities for anti-social and criminal behaviour.

It is important that new development is well designed in order to prevent crime and antisocial behaviour. The Council will therefore promote "Secured by Design" principles in new developments in order to create safer and secure environments.

CS8: Heritage

1. Development proposals will be supported which respect and draw inspiration from Blackpool's built, social and cultural heritage, complementing its rich history with new development to widen its appeal to residents and visitors.
2. Proposals will be supported that:
 - a. Retain, reuse or convert, whilst conserving and enhancing the significance of designated and non-designated heritage assets and their setting.
 - b. Enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm
 - c. Strengthen the existing townscape character created by historic buildings

3. Developers must demonstrate how any development affecting heritage assets (including conservation areas) will conserve and enhance the asset, its significance and its setting.

CS15: Health and Education, includes:

Development will be supported that encourages healthy and active lifestyles and addresses the Council's health priorities. This includes co-located, more integrated health and education facilities, increasing community access and participation, and reducing the need to travel.

Improving the health and education of Blackpool's population is a major challenge, with the gap in health and education inequalities between Blackpool and the rest of the UK continuing to widen. Access to quality health and education facilities is integral to raising educational achievement and improving the health and well-being of communities.

Achieving wider social, health and lifestyle goals is also closely linked to delivering major physical change and the regeneration of the built environment. People's health and education is influenced by the settings of their everyday lives – where they live, learn, play and work.

CS17: Blackpool Town Centre

1. To re-establish the town centre as the first choice shopping destination for Fylde Coast residents and to strengthen it as a cultural, leisure and business destination for residents and visitors, new development, investment and enhancement will be supported which helps to re-brand the town centre by:
 - a. Strengthening the retail offer with new retail development, with the principal retail core being the main focus for major retail development
 - b. Introducing quality cafes and restaurants to develop a café culture.....

The site is outside the Main Retail Core of Blackpool Town Centre

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- SR6 Retail/Café Zone
- BH18 Amusement Centres
- BH3 Residential and Visitor Amenity
- LQ10 Conservation Areas
- AS1 General Development Requirements

ASSESSMENT

Principle

In terms of the National Planning Policy Framework (NPPF), planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and National Planning Practice Guidance (NPPG) do not contain specific policies relating to amusement centres. However, such activities clearly fall within the definition of “Main town centre uses” set out in Annex 2 to the NPPF. Therefore, such activities are subject to the general provisions in Section 2 of the NPPF. These include a requirement that Local Planning Authorities include clear definitions of primary and secondary frontages in Local Plans, together with policies setting out which uses will be permitted in such locations. The NPPF does not preclude activities like amusement centres from primary frontages, but suggests in its glossary that secondary frontages provide greater opportunities for a diversity of uses.

In terms of Policy BH18, the agent states that there is no annotation on the Local Plan Proposals Map for the area concerned and the application should therefore be allowed as it is on the eastern edge of the main town centre away from the areas frequented by visitors. The supporting text identifies the secondary shopping streets such as Topping Street within the town centre; and on other main secondary shopping streets such as Church Street, Cauce Street, King Street and Cookson Street, outside and immediately east of the town centre as being suitable for amusement centres. The written description could be interpreted in a number of ways to include that amusement centres would only be allowed within the allocated town centre on Topping Street. However, the supporting text to the policy also states that amusement centres are an accepted part of the shopping scene and are most appropriate in secondary shopping areas and mixed commercial development areas (which Abingdon Street is). The other streets mentioned are suggested as being outside the town centre boundary; however part of Church Street is clearly within the town centre boundary. Abingdon Street is allocated as the retail/café zone of the town centre; and although outside the principal retail core it is still within the core retail area identified in the Shopping Study. The Policy wording could be interpreted such that the proposal could be said to comply with the Development Plan.

If the alternative view is taken i.e. that the proposal does not accord with the Development Plan (in particular saved policy BH18), the next step is therefore to consider what harm it would do to the vitality and viability of the retail function of the area, and whether there are any other material considerations which would conflict with a policy adopted in 2006, saved in 2009 and again in 2016.

In terms of the three roles within the NPPF

- economic role – contributing to building a strong, responsive and competitive economy. This use would generate employment for up to four people and appeal decisions have shown that amusement centres are supportive of a vital and vibrant town centre.

- social role – supporting strong, vibrant and healthy communities, by providing.....accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The property is located in Talbot Ward. The *2013 Blackpool Joint Health and Well Being Strategy* states in relation to crime and anti-social behaviour: "Blackpool has a higher crime rate compared to Lancashire, the North West and England. Bloomfield, Claremont and Talbot wards have three times the number of crimes per 1000 population than the Lancashire average and double the Blackpool average. Within 2011, violent crime has reduced by 8.8% compared to 2010. However, 47.0% of all violent crime and 53.0% of alcohol related violent crime is concentrated in Bloomfield, Claremont and Talbot wards." Members will note that the police have no objections, subject to implementing secure by design and the control of criminal activity is not normally within the purview of the planning system.

There are only two existing amusement centres in the town centre: at 118-120 Talbot Road; and, 106-108 Church Street (both operated by the applicant JWT Leisure). Both were established in the 1990s and therefore there cannot be said to be a proliferation of these uses in the town centre. One more amusement centre is unlikely to be significant in terms of health and well-being. In contrast there are eight betting shops in the town centre (although the immediately adjacent property at 40 Abingdon Street, identified as a Coral Bingo on the google street map, is vacant, Coral having moved to 43-45 Church Street).

In response to the Crime Impact Statement, the applicant proposes a raft of security measures in the premises; and as he already operates in the town centre, he considers that he has a good relationship with the police and would cooperate with them.

- environmental role – a retail operator in this location would protect the historic environment as much as the present proposal; although the commitment to enhancing the impact in the Conservation Area, by improving the shopfront (if permission is granted) is to be welcomed.

In support of the proposal, the agent states that this is a vacant, two storey shop last occupied over 12 months ago as a charity shop (which is now located in larger premises at 32 Abingdon Street). He states that the site is in a secondary shopping frontage and that there are a number of vacancies in the immediate area on Abingdon Street which reflects changing shopping patterns and the shift in the centre of gravity of the shopping area southwards. The northeast of the town centre has recently been established as the business district/Bickerstaffe House/Sainsbury's, which might pull some retail emphasis along with it. However, Wilko's has full planning permission to move to Tower Street (17/0453 "Erection of a 3 storey extension to the Houndshill Shopping Centre with restaurant on the ground floor, a retail unit on the ground and part first floor and a cinema complex and associated facilities on the upper floors"), which would put emphasis further on the south of the town centre. This not a significant matter in the determination of the application.

The agent says that the change of use would bring the premises back into use for a “complementary non-retail service use commonly found in shopping areas” and he intimates that it would be a permanent use, rather than the temporary charity shop use. The occupier would invest in the fabric of the building and provide employment opportunities on a year round basis - the application form states that there would be four full time staff employed here. The agent states that this type of establishment attracts the same type of person as nearby shops and that the window displays compare favourably with those of retail uses. The displays are static and there is no visibility into the premises, which is dissimilar to most retail uses, but an A2 Use could easily have the same type of static frontage. He comments that the amusement centre would operate all year round, unlike some of the uses nearby and they do not cause noise and disturbance, subject to appropriate conditions.

He is confident that the proposal will:

- Have no adverse impact on retailing activity.
- Add to diversity, choice and competition in the shopping area.
- Not harm the character or trade of the shopping centre.
- Enhance the vitality of the shopping centre through bringing the premises into use
- Increase employment.
- Add to the evening economy.
- Preserve or enhance the character and appearance of the conservation area, both visually and in terms of bringing the property into occupation.

Officers consider that his assessment of the situation broadly aligns with their assessment because of the narrow frontage of the premises and the relatively small area of floorspace involved.

Amenity

The proposed hours of operation would be 9am to 9pm and the premises would be soundproofed (refer to the comments made above by the Service Manager Public Protection re doors, music etc.). This could be controlled through the use of conditions.

There is no issue in terms of the Town Centre Conservation Area and impact on its character/appearance.

Design

There is no issue in terms of the design. With regard to the appearance, the agent says that the proposal has the potential to result in visual improvement through its occupation and the inclusion of a window display. A window display could be required by condition in order to retain a retail type frontage. Although it wouldn't be an active frontage with inviting views through into the shop, it would be akin to some A2 frontages.

If permission is forthcoming, the applicant intends to reinstate a more traditional shop front commensurate with the Conservation Area status; this would accord with Policy CS8. It would require a further planning permission, where the Built Heritage Manager would have the opportunity to influence the design.

Highway Safety/Parking and Servicing Arrangements

There are no adverse impacts identified as this is a very accessible location in the town centre. The area is well served by buses and other forms of transport.

Other Issues

For the purposes of the vitality and viability of the town centre, this property is within the Central Retail Area but outside the Primary Retail Core. The November 2017 three monthly vacancy survey undertaken by the Council puts the vacancy rate in the Central Retail Area at 16.3%, which is better than the 19.4% vacancy rate within the whole town centre boundary, but not as good as the Primary Retail Core at 13.4%. An overall total of 125 vacant units were recorded in the town centre in November 2017, matching the August 2017 figure and means that the vacancy rate remained at 19.4% for the second consecutive survey. In contrast, the Principal Retail Core and Core Retail Area both experienced increased vacancy rates of 13.4% and 16.3% respectively.

As at November 2017, the former Post Office (General Post Office, 26 – 30 Abingdon Street) is vacant, but this has an extant planning permission (reference 17/0503 full application for “Internal and external alterations including erection of a "plaza" to first floor level within existing service yard area, installation of replacement windows to Edward Street, re-modelling of former post office counter and use/ conversion of buildings to provide leisure uses, retail uses, offices, restaurants and cafes within Use Classes A1, A2, A3, D2 with associated administrative offices, car parking, landscaping, boundary treatment, refuse storage, access, servicing, plant and associated demolition works” granted 21 November 2017), which will reduce vacancy rates and create more critical mass in the area and be an attraction on Abingdon Street. Of the 21 units (not counting the General Post Office) on Abingdon Street between Clifton Street and Talbot Road; five are shown as vacant, which is equivalent to a 23.8% vacancy rate, which is higher than the average. Anything over 20% is noticeable and an indicator of a not particularly healthy shopping area.

Against this background it is considered that the high vacancy rates are not a true reflection of the situation moving forward; and the retail sector will become more buoyant through the redevelopment of the General Post Office, even though the building society on the corner of Abingdon Street and Clifton Street has been vacant for a number of years. However, it could be some time before redevelopment takes place and this should not carry significant weight in current considerations.

There are no relevant amusement centre appeals with regard to Blackpool town centre; and the majority of amusement centre appeal decisions in the UK are quite old. However, a recent example relates to 49 High Road, Wood Green, London. The main issue in that case was the effect of the appeal scheme on the vitality and viability of the town centre. The appeal was allowed although it was contrary to Policy. Relevant extracts are:

Paragraph 9: “Occupying one of the smaller units in the block, the appeal proposal would be a small-scale development. The appellant supplied evidence which showed consistently that adult gaming centres could help to drive footfall, and that customers accessed the uses as part of a wider shopping experience. Access to adult gaming centres is restricted by statute to those aged over eighteen. This would indicate that there is a specific section of the population that would be unable to access the facilities. However, I am persuaded that a

number of A1 and other town centre uses have target markets, and do not always cater for every demographic, so I do not consider that this age restriction, in and of itself would be detrimental to generation of footfall to the site and thus the vitality and viability of the town centre.

Also, in paragraph 11: Furthermore, evidence submitted by the appellant suggests that the customer base and the proposed use's relationship with other town centre uses are qualitatively different to betting offices. Critically, customers using adult gaming centres tend to do so as part of a wider shopping trip. For these reasons, the appeal scheme would not contribute to an adverse cumulative effect on the retail function of the town centre." With regard to safety and crime, the amusement centre is geared towards attracting shoppers and being complementary to the overall town centre offer. Under the terms of the licence from the Council, no-one under the age of 18 would be allowed into the premises. The recommendations of the Police have been passed on to both the agent and applicant for their consideration with regard to the installation of crime prevention measures at the premises. An advice note on the decision notice would reinforce that approach should permission be granted.

CONCLUSION

Although the proposed amusement centre use might be said to be contrary to Policy BH18, there are other material considerations which have to be weighed against this:

- the high vacancy rate on this section of Abingdon Street
- the length of vacancy of this unit
- the small size of the unit – the loss would not amount to a significant floor space
- frontage improvements
- employment benefits
- year round trading
- business rates (previously a charity shop)

In conclusion it is considered that the benefits outweigh the policy considerations in this particular instance and permission should be granted.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Not applicable.

HUMAN RIGHTS ACT

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

CRIME AND DISORDER ACT 1998

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17.

BACKGROUND PAPERS

Planning Application File 17/0669 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

Appeal Ref: APP/Y5420/W/15/3137423 Ground Floor, 49 High Road, Wood Green, London.

Recommended Decision: Grant Permission

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans: Location Plan received by the Council on 4th October 2017; drawing no. B17-1892.01 Rev A.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. A window display showing items available for sale within the unit shall be provided at all times in the ground floor windows fronting Albert Road.

Reason: In the interests of the shopping character of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policies CS7 and CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Before the premises are first occupied, sound and vibration proofing shall be carried out and thereafter be retained in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. In addition, the premises shall be fitted with a self-closing door to the Abingdon Street elevation (which shall not be propped open), and shall thereafter be retained; and no amplified music shall be audible from the street.

Reason: To safeguard the amenities of shoppers in the town centre and the occupiers of residential premises in the vicinity, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The use of the premises hereby permitted shall not be open to customers outside the following times: 09:00 hrs until 21:00 hrs Mondays to Sundays.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.
2. Please refer to the Crime Impact Statement. The security measures for this development must adequately address that risk of crime in order to keep people safe and feeling safe and reduce demand and calls for service on local policing resources.