

Blackpool Council

26 June 2020

To: Councillors Baker, D Coleman, Hugo, Jackson, O'Hara, Owen, Robertson BEM, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 7 July 2020 at 2.00 pm
in Remote meeting via Zoom

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 16 JUNE 2020 (Pages 1 - 8)

To agree the minutes of the last meeting held on 16 June 2020 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 9 - 12)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING APPLICATION 20/0187 - 40 ABINGDON STREET, BLACKPOOL (Pages 13 - 48)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

5 DATE OF NEXT MEETING

The Committee to note the date of the next meeting as Tuesday 4 August 2020.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Governance Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Owen (in the Chair)

Councillors

Baker	Hugo	O'Hara	Stansfield
G Coleman	Jackson	Robertson BEM	L Williams

In Attendance:

Mr Carl Carrington, Head of Planning, Quality and Control

Mr Ian Curtis, Legal Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Ms Susan Parker, Head of Development Management

Mr Mark Shaw, Principal Planning Officer

1 DECLARATIONS OF INTEREST

Councillor Owen declared a disclosable pecuniary interest in Agenda Item 10, Planning Application 20/0119, 3-5 Westcliffe Drive, Blackpool. The nature of the interest being that his place of employment was located at the same address as the application.

Councillor G Coleman declared a prejudicial interest in Agenda Item 6, Determination of Certificate of Lawfulness Applications relating to the proposed use of properties as residential childrens homes. The nature of the interest being the potential impact of any decision made by the Committee on his wife's employer.

2 MINUTES OF THE MEETING HELD ON 11 FEBRUARY 2020

The Planning Committee considered the minutes of the last meeting held on 11 February 2020.

Resolved: That the minutes of the meeting held on 11 February 2020 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee received a report on the planning appeals lodged and determined since the last meeting.

The report stated that five appeals had been lodged since the last meeting against the decision of the Council to refuse planning permission in respect of the following planning applications:

- Application 19/0686, 2 Woodmans Centre, Vicarage Lane, Blackpool.
- Application 20/0061, 41 Webster Avenue, Blackpool.

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- Application 19/0761, Palladium Buildings, Waterloo Road, Blackpool.
- Application 19.0749, 150 Bond Street, Blackpool.
- Application 19/0749, 19-21 Boscombe Road, Blackpool.

The report also confirmed that an appeal against the Council's decision to refuse the grant of a Certificate of Lawfulness in respect of a residential care home at 19-21 Boscombe Road Blackpool had been dismissed by the Planning Inspectorate.

A further appeal against the Council's decision to refuse the grant of a Certificate of Lawfulness for the existing house of the ground floor as two self-contained flats at 8 Yates Street, Blackpool had also been dismissed by the Planning Inspectorate.

The report also provided information on an appeal that had been allowed by the Planning Inspectorate against the Council's decision to refuse planning permission for the erection of a convenience store with associated access, parking and landscaping at Anchorsholme Methodist Church, North Drive, Blackpool.

Resolved: To note the report.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the summary of planning enforcement activity within Blackpool between 1 January 2020 and 31 May 2020.

The report stated that 194 new cases had been registered for investigation with 628 complaints remaining outstanding by the end of the period, 29 cases had been resolved by negotiation without recourse to formal action and 114 cases had been closed as there had either been no breach of planning control found, no action was appropriate or it had not been considered expedient to take action.

The report also stated that five Enforcement Notices and two Section 215 notices had been authorised between 1 January 2020 and 31 May 2020.

Resolved: To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department.

5 PLANNING APPLICATIONS AND APPEALS PERFORMANCE

The Committee considered the Planning Application and Appeals Performance Report that provided an update on the Council's performance in relation to Government targets.

The report outlined the performance for the quarter period from January 2020 to March 2020 as 100% for major development decisions determined within 13 weeks or an agreed extension of time against a target of 60% and 84% for non-major development decisions determined within eight weeks or an agreed extension of time against a target of 70%. It was noted that this exceeded the statutory targets for the period.

The report also stated that for the monitoring year 2019-2020 the Council had achieved a

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performance of 94% determined for major applications and 91% determined for non-major applications, which had significantly exceeded the statutory targets for planning decision-making for the monitoring year.

The cessation of the Council's obligation to submit monitoring information in respect of appeal performance was also reported.

The Chairman acknowledged the efforts of the Planning Department in achieving the good performance as indicated by the results.

Resolved: To note the report.

6 DETERMINATION OF CERTIFICATE OF LAWFULNESS APPLICATIONS RELATING TO THE PROPOSED USE OF PROPERTIES AS RESIDENTIAL CHILDRENS HOMES

Ms Parker, Head of Development Management, reported on the Council's challenges in accommodating its own Looked After Children within the borough due to the significant number of Looked After Children being accommodated from outside of the area. In view of the characteristic of the town, she reported an additional concern in relation to bringing additional vulnerable children into the area. The Committee was advised on an increasing number of applications for a certificate of lawfulness for the use of properties as residential childrens homes.

Following discussions held with colleagues across the Council, Public Health and the NHS, Ms Parker reported on a much clearer understanding of the nature of a childrens home. It was now considered that a change of use from a Class Use C3, standard dwelling house, to a Class Use C2, childrens home, would be a material change which would generally require planning permission in ordinary circumstances. Ms Parker acknowledged the demand for the provision of childrens homes and advised on the intention to continue to grant planning permission for this type of use, provided that the proposal was in accordance with the Development Plan, particularly Policy BH24, and where the developer agreed to enter into a legal agreement that gave priority to Looked After Children within the borough. This would ensure that whilst out of area placements could still happen, priority would be given to local children which would ensure that local needs were met.

Members of the Committee were supportive of the proposal and acknowledged the need to prioritise local Looked After Children. It noted that each application would be determined on its own merits and could potentially be subject to appeal, similar to standard planning applications. The Committee also noted that the recommendation requested approval of the proposed approach for the determination of Certificates of Lawfulness applications.

Resolved: To approve the approach for the determination of Certificates of Lawfulness applications.

Note: Councillor G Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

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7 PLANNING APPLICATION 20/0187 - 40 ABINGDON STREET, BLACKPOOL

The Planning Committee considered planning application 20/0187 that sought permission for alterations to the front elevation and use of ground floor premises as altered as an adult gaming centre.

Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She referred to the Update Note that included an additional objection received from the operator of the adjoining amusement centre and a brochure submitted by the applicant's agent.

The Committee was referred to a previous appeal decision that had granted planning permission for use of the adjoining property as an amusement centre as the Planning Inspector had concluded that it was in accordance with key policies in the Development Plan and was situated in an appropriate location. He also considered that it would not undermine the character and function of the secondary shopping area.

Ms Parker advised that the premises had been vacant since July 2017 and in her view bringing it back into beneficial use would weigh heavily in favour of the proposal. Ms Parker referred to emerging Policy DM13 that sought to prevent an overconcentration of this type of use but as this was in an early stage of development limited weight could be attached to it. Ms Parker referred to the objection regarding opening hours and advised that the hours had been agreed by the Council's Environmental Protection team and referred to conditions relating to noise that would be attached to the permission if granted. Ms Parker concluded by advising on her view that given the character of Abingdon Street there would be no adverse impact from the proposal, if granted, on the character of the Conservation Area.

Mr Etchells, Agent acting on behalf of several traders in the vicinity who had raised objections to the proposal, spoke against the application. He referred to Policy SR6, which in his view had failed to be given sufficient weight in the officer's report. He also presented his view on each of the material considerations contained within the officer's report and questioned the level of employment benefits that would be gained from the proposal. He also referred to the Inspector's conclusion in relation to the previous appeal decision that in his view did not support the recommendation being made to Committee on the current planning application.

Mr Deegan, Agent acting on behalf of the Applicant, spoke in support of the application. He referred to the location of the premises within the secondary shopping area and extended town centre conservation area and its Sui Generis lawful use. He also referred to the benefits of the proposal and confirmed the creation of a minimum of five jobs, should the application be granted. In his view, the proposal complied with all local policies, including Policy SR6.

Ms Parker reminded Members that issues of commercial competition were not relevant planning considerations.

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The Committee considered the application and raised several concerns with the proposal. It referred to the aim of emerging Policy DM13 that sought to prevent an over-concentration of adult gaming centres. Whilst acknowledging the limited weight that could be attached to an emerging policy, Members raised concerns regarding the potential impact on the area from an additional adult gaming centre, particularly in close proximity to nearby areas of deprivation. The Committee also questioned the level of security that would be in place, particularly in view of the location. It also considered the current regeneration of the area that was intended to provide a link to the town centre, increase footfall and encourage families back into the resort. With regards to the length of time that the unit had been vacant, the Committee noted the potential for this to have been caused in part due to the long-term redevelopment of the area.

Ms Parker, in response, clarified that the unit was located within the town centre boundary but identified as a secondary shopping area, however the adoption of Policy DM13 would result in a much stricter approach. She also referred to the safeguards that would be in place to prevent noise disturbance. In response to concerns raised by the Committee regarding the potential lack of opportunity for objections to have been raised Ms Parker advised on the notification of the planning application that had been undertaken which was in accordance with Government requirements.

In view of the concerns raised, the Committee was minded to refuse the application but requested that the decision be deferred to the next meeting to enable the Head of Development Management to submit a further report that included consideration of the possible reasons for refusal that had been raised at the meeting.

Resolved: That the Committee was minded to refuse the application but that the decision be deferred to the next meeting and that in the meantime the Head of Development Management be requested to submit a further report to include consideration of the possible reasons for refusal based on the Committee's concerns.

Background papers: Applications, plans and replies to consultations on the application.

8 PLANNING APPLICATION 19/0803 - 47- 51 SHAFTESBURY AVENUE, BLACKPOOL

The Planning Committee considered planning application 19/0803 that sought permission for the erection of a two-storey link extension, creation of additional car parking facilities and use of 51 Shaftesbury Avenue in conjunction with 47-49 Shaftesbury Avenue as an enlargement of existing care home.

Mr Shaw, Principal Planning Officer, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. He advised that the proposal, if granted, would increase the capacity of the care home to 26 residents, with an additional five en-suite bedrooms. He also reported on the design of the proposed extension. Mr Shaw referred to the objections to the proposal as detailed in the report. He also referred to the letters of support for the development, noting that these had been submitted predominantly on behalf of existing or previous care home residents.

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Mr Shaw reported on the interpretation of Policy BH24 of the Local Plan that sought to protect the character and amenity of a residential area and avoid undue concentration of rest homes. Policy BH24 restricted the occupancy level of residential institutions to approximately no more than 10% of a residential block. Mr Shaw advised the Committee that should the application be granted it would result in 20% of the defined block being residential institutions, which would be contrary to Policy BH24. Mr Shaw also reported on the design of the proposed extension, which in his view would impact on the amenity of residents of neighbouring properties.

Mr Thorne-Hebson, public objector, spoke against the application. His main concerns included his view of the impact on the character of the area from the over intensive development. Further concerns related to the potential increase in noise disturbance and parking issues, highway safety and his view of the adverse impact on the amenity of the residents of neighbouring properties.

Ms Herrington, Manager of the Care Home, spoke in support of the application. She reported on the challenges faced by the care sector, particularly in the current climate. She also referred to the lack of any complaints relating to noise disturbance and a limited increase in parking requirement. She also advised on her view of the benefits of the proposed development in terms of additional provision for elderly patients and increased amenities for the benefit of residents and their families.

Mr Weetman, Agent for the Applicant, also spoke in support of the application. He questioned the planning officer's interpretation of Policy BH24 and the appropriateness of the Policy in the current climate. He also disputed the percentage occupancy level of residential institutions detailed in the officer's report and presented his view that the development if granted would be in accordance with the Policy. He also presented his interpretations of the requirements for a C2 Use and presented his view that the proposed development would not adversely impact the streetscene.

Mr Shaw responded to comments made regarding the lack of noise disturbance by highlighting the proposed introduction of a party wall with a neighbouring property. He also clarified the officer's interpretation of Policy BH24.

The Committee considered the application and acknowledged the concerns regarding the need for care homes. However, it also noted the unsuitability of the proposed location and the adverse impact on the amenity of the residents of neighbouring properties. It was also satisfied that the proposed development was contrary to Policy BH24 of the Local Plan.

Resolved: To refuse the application for the reasons outlined in the decision notice which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval= blckp dcapr 63674>

Background papers: Applications, plans and replies to consultations on the application.

9 PLANNING APPLICATION 20/0038 - 433 MIDGELAND ROAD BLACKPOOL

The Committee considered planning application 20/0038 that sought permission for the use of land for the keeping of horses and as a residential caravan site for two traveller families, each with two caravans (one static caravan/mobile home and one touring caravan), together with the erection of two ancillary amenity buildings and extension to hardstanding.

Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She advised that the application was considered a departure from Policy as the site was located within the Marton Moss Strategic Area and Marton Moss Conservation Area and was located on a greenfield site. Ms Parker reported on the Council's requirement to identify gypsy and traveller sites within the Borough and advised on the lack of unmet need for traveller sites within Blackpool. She referred to Policy CS26 of the Core Strategy, which precluded non-essential development on Marton Moss pending the production of a neighbourhood plan. She acknowledged the personal circumstances of the applicant's family as detailed in the report but considered that there were insufficient circumstances to outweigh the conflict with Policy.

The Committee considered the application and noted that Policy CS26, Marton Moss, took precedence over Policy CS16, Traveller Sites due to the application site being located within the Marton Moss Strategic Area and having no unmet need for traveller sites.

Resolved: To refuse the application for the reasons outlined in the decision notice which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63737>

Background papers: Applications, plans and replies to consultations on the application.

10 PLANNING APPLICATION 20/0119 - 3-5 WESTCLIFFE DRIVE, BLACKPOOL

The Committee considered application 20/119 for the erection of a first floor extension and use of first floor as two self-contained flats at 3-5 Westcliffe Drive, Blackpool.

Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She advised that the site was located within the Layton District Centre and that the proposed flats would meet the Council's minimum standard requirements for floor space and amenity. Ms Parker also reported her view of the acceptability of the first floor extension due to its accessible location and it being located outside of the defined inner area. In Ms Parker's view, the proposed use was also considered acceptable in principle.

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Resolved: That the application be approved, subject to the conditions, and for the reasons outlined in the decision notice, which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= BLCKP DCAPR 63819>

Background papers: Applications, plans and replies to consultations on the application.

NOTE: Councillor Owen, having declared a disclosable pecuniary interest, left the meeting and took no part in the discussion or voting on this item.

ADDITIONAL NOTE: Councillor O'Hara took the Chair during consideration of this item only.

11 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 7 July 2020.

Chairman

(The meeting ended 3.57pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Governance Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	07 July 2020

PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals, lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council priorities are both 'The Economy: maximising growth and opportunity across Blackpool' and 'Communities: creating stronger communities and increasing resilience'.

5.0 Planning Appeals Lodged

5.1 Unit 2, Woodman Centre, Vicarage Lane, Blackpool, FY4 4ND (19/0688)

An appeal has been lodged by Mr Ben Smith against the refusal of planning permission for Use of premises as a tanning salon.

5.2 19-21 Boscombe Road, Blackpool, FY4 1LW (19/0787)

An appeal has been lodged against the refusal of planning permission for use of premises as a care home by Northern Healthcare.

5.3 49 Webster Avenue, Blackpool, FY4 3LL (20/0061)

An appeal has been lodged by Mr and Mrs A Frackleton against the refusal of planning permission for the erection of a single story side extension.

5.4 Planning/Enforcement Appeals Determined

5.4.1 19/0749 - 150 Bond Street - Upgrade of existing 48 sheet advert to support digital poster.

5.4.2 Appeal Allowed

5.4.3 While the proposed advertisement would be illuminated, it would not comprise any moving images or flashing lights. The rate of image change, maximum luminance and brightness of the advertisement, which would be controlled remotely, would also be in line with industry standard; and there would be no exposed cables at the appeal site. Therefore, the Inspector concluded that while the proposal would be more noticeable than the current poster at the site due to this illumination it would not cause such a drastic change so as to have a significantly adverse effect on the visual amenity of the area.

5.4.4 19/0761 - Palladium Buildings, Apollo Bingo Ltd - Waterloo Road Replacement of existing 1 x 48 sheet advertisement hoarding with 1 x 48 sheet digital advertising display unit

5.4.5 Appeal Allowed

5.4.6 While the proposed advertisement would be illuminated, it would not comprise any moving images. The rate of image change, maximum luminance and brightness of the advertisement, which would be controlled remotely, would also be in line with industry standard. Sensors would also detect external lighting levels and adjust the level of luminance. There would be no exposed cables at the appeal site, and the

platform and railings present at the current advertisement would no longer be required. Therefore, the Inspector concluded that while the proposal would be more noticeable than the current poster at the site due to this illumination, it would not cause such a drastic change to the appeal site so as to have a significantly adverse effect on the visual amenity of the area. The cumulative illumination levels from both the proposed advertisement and the Apollo sign would not result in a significant adverse effect on visual amenity and the Inspector did not consider it necessary to remove the existing Apollo sign.

5.4.7 The Planning Inspectorate decision letters can be viewed online under the references for each application at <https://idoxpa.blackpool.gov.uk/online-applications/>

5.5 Does the information submitted include any exempt information? No

5.6 List of Appendices:

5.6.1 None.

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

**Blackpool Council
Development Management**

Officer Report to Committee

Application ref: 20/0187
Ward: TALBOT
Application type: FULL
Location: 40 ABINGDON STREET, BLACKPOOL, FY1 1DA
Proposal: Alterations to front elevation and use of ground floor premises as altered as an Adult Gaming Centre.

Recommendation: Grant Permission

Case officer: MS P. GREENWAY
Case officer contact: 01253 476222

1.0 INTRODUCTION

- 1.1 This application was presented to Members at the Committee meeting on 16th June 2020. The original officer report and recommendation is set out below.
- 1.2 In that meeting, the Members of the Committee heard from the agent acting on behalf of the applicant and from a local objector. The matter was discussed in detail. In particular, the degree of weight that could be attached to emerging Policy DM13 of the draft Local Plan Part 2: Site Allocations and Development Management Policies was questioned. Notwithstanding the officer recommendation for approval, Members raised a number of concerns and were minded to refuse planning permission. As a result, the Committee voted to defer the application to enable possible reasons for refusal to be more fully considered. The professional opinion of planning officers remains that the application ought to be approved, for the reasons set out in the original report (attached as Appendix 4(a))
- 1.3 Having considered the points raised by Members, the following reason for refusal is suggested as encapsulating the planning considerations underpinning members' concerns as expressed at the previous meeting:

The property falls within the defined Retail/Café Zone of Blackpool Town Centre. The proposed use, when considered with the existing, adjoining adult gaming centre, would be detrimental to the character of the area as one that caters primarily for the pedestrian/shopper/café user by creating an undue concentration of gaming uses. As such, it would be contrary to Policy SR6 of the Blackpool Local Plan 2001-2016. The cumulative impact from the concentration of gaming centres would also be contrary to Policy CS17 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 which seeks to re-establish the town centre as the first choice shopping destination for Fylde Coast residents. The cumulative impact that would result would also be contrary to emerging Policy DM13 which seeks to manage the concentration of amusement centre uses in order to safeguard the amenity, character, function and viability of the town centre.

- 1.4 Members are respectfully drawn to the copy of the Inspectors decision in relation to the proposal at no. 42 Abingdon Street, and to the map of uses in the nearby area, both of which are attached at Appendix 4(b) of this report.
- 1.5 With regard to the appeal decision at no. 42 Abingdon Street, Members' attention is drawn to paragraph 11 which sets out the Inspectors conclusions with regard to Policy CS17.
- 1.6 The appended map shows amusement centres, betting shops and pawnbrokers in the northern and eastern parts of the town centre. Members should note that three betting shops have closed since 2014 (including the application premises) with one new betting shop opening, and that two pawnbrokers have closed since 2014.
- 1.7 Draft Policy DM13 relates specifically to amusement centres, betting shops and pawnbrokers. It treats the three uses as comparable when considering issues of impact and over-concentration. Members are reminded that the existing lawful use of the application premises is as a betting shop, and that this use could recommence at any time. Notwithstanding this fact, the emerging policy considers concentration over a 400m radius. Members are advised that a 400m radius centred on the application property would take in a substantial proportion of the area shown on the map.
- 1.8 Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. As draft Policy DM13 is yet to be formally adopted by the Council, it does not form part of the Development Plan. It is, however, a material consideration.
- 1.9 The National Planning Practice Guidance (NPPG) makes the following comments in relation to the weight that can be attached to material planning considerations:
- The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.*
- 1.10 When considering the weight that can be afforded to an emerging Policy, the National Planning Policy Framework (NPPF) states that:
- "Local Planning Authorities may give weight to relevant policies in emerging plans according to:*
- (a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - (b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
 - (c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 1.11 In terms of criteria (a), Members are advised that Part 2 of the Local Plan was subject to informal consultation of the draft development management policies and site allocations in January 2019, and that the Publication version of the Plan has yet to be published for consultation prior to submission for Examination in Public. As such, emerging Part 2 is not yet at an advanced stage of preparation. Members are further advised that, in an appeal decision in Eastwood in April 2019, the Inspector noted that Broxtowe Borough Council's emerging Local Plan Part 2 had undergone Examination in Public. However, as the Inspector's report in relation to that Examination had not been published, the appeal Inspector concluded that the policies could be subject to change, and so limited weight could be attached to them. This would suggest that, given that draft Policy DM13 is yet to be published prior to submission for Examination in Public, little weight can be attached to it.
- 1.12 With regard to criteria (b), no representations have been made against draft Policy DM13 and this increases the weight that can be attached to it in this regard. In relation to criteria (c), the policy is considered to be broadly consistent with the aims and objectives of the Framework as it would support a positive approach to the growth, management and adaptation of the Town Centre. This increases the weight that can be attached to it in this regard. Nevertheless, given that the Publication version of the Local Plan Part 2 has not yet been out to consultation prior to submission for Examination in Public, it is considered that very limited weight can be attached to emerging Policy DM13.
- 1.13 During the Committee meeting on 16th June 2020, Members queried the floorspace of the proposed use relative to that at no. 42 Abingdon Street. Members are advised that the frontage of Warwick's Amusement Centre is smaller than that of the application property because Warwick's has a ground floor of 67sqm whereas the application property has a ground floor area of 93sqm. However, the upper floor in the application property is not included in the current proposal; there is no physical access to it and it is not within their lease agreement. Therefore the ground floor of the application property would also be used to provide staff facilities ancillary to the gaming floor. In Warwick's Amusement Centre, these facilities are provided at first floor level, meaning that the total floorspace of Warwick's Amusement Centre use is 102sqm. which is larger than the application property.
- 1.14 There was some discussion in the meeting relating to the potential social impacts of the proposal given levels of deprivation in the areas immediately surrounding the Town Centre. Members are advised that the use proposed would require a Bingo Premises Licence. In an appeal decision relating to an adult gaming centre in Kidderminster in April 2020, the Inspector noted that issues relating to crime, anti-social behaviour, vulnerable groups, mental health and deprivation would be considered as part of the licence application made under the Gambling Act. In particular, the Inspector noted that *"it is not for the planning system to duplicate issues covered through other legislative regimes"*.
- 1.15 Members will recall that when planning permission was refused for the use of no. 42 Abingdon Street as an amusement centre, reference was made to Policy CS15 of the Core Strategy and it was asserted that the use would not contribute to *"a healthy and active lifestyle for the residents of Blackpool"*. The Inspector's conclusion in respect of the relevance of Policy CS15 is set out in paragraph 13 of the attached appeal decision. He judged that *"there is little conclusive evidence that the proposal would, individually or collectively, result in harm to people's health and education, or prevent them from leading healthy and active lifestyles"*. As such, and given that the use proposed would require a licence under the Gambling Act, no reference to issues of deprivation or Policy CS15 has been made in the reason for refusal offered.

- 1.16 Although the reason for refusal offered in paragraph 1.3 reflects the primary thrust of the debate at the meeting on 16th June 2020, in light of the above, Members may feel the following reason for refusal to be more appropriate:

The property falls within the defined Retail/Café Zone of Blackpool Town Centre. The proposed use, when considered with the existing, adjoining adult gaming centre, would be detrimental to the character of the area as one that caters primarily for the pedestrian/shopper/café user by creating an undue concentration of gaming uses. As such, it would be harmful to the character and function of the area and contrary to Policy SR6 of the Blackpool Local Plan 2001-2016.

**Blackpool Council
Development Management**

Officer Report to Planning Committee

Application reference: 20/0187

Ward: TALBOT
Application type: Full Planning Permission
Location: 40 ABINGDON STREET, BLACKPOOL, FY1 1DA
Proposal: Alterations to front elevation and use of ground floor premises as altered as an adult gaming centre.

Recommendation: Grant Permission

Case officer: MS P. GREENWAY
Case officer contact: 01253 476222

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application accords with priority one in that it supports economic growth.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 Policy BH18 acknowledges that amusement centres / adult gaming centres (AGC) are an accepted part of the shopping scene and are most appropriate in secondary shopping areas and mixed commercial development areas.
- 2.2 There are other material considerations, such as:
- the 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

Together the above material considerations lead to a recommendation for approval.

3.0 INTRODUCTION

3.1 This application is before the Planning Committee because of the level of public objection.

4.0 SITE DESCRIPTION

4.1 This property is a vacant shop in a terrace of three, two-storey properties and is separated from another terrace of three shops and the former General Post Office (GPO) on Abingdon Street by a narrow alley. The opposite end of the terrace is occupied by Abingdon Barbeque on the corner of Deansgate and the middle property is occupied by Warwick's Amusements, an adult gaming centre. The property was previously occupied by Coral betting shop, but is presently vacant as is the General Post Office and two properties directly across the road.

4.2 The application site is within the Town Centre boundary (but not within the designated Main Retail Core), forms part of the Retail/Café Zone and is within the Core Retail Area in the Shopping Study. It is also within the extended Town Centre Conservation Area on the Local Plan proposals map.

5.0 DETAILS OF PROPOSAL

5.1 This planning application seeks planning permission for the change of use of the 93 sq.m. ground floor from a Betting Shop (Sui Generis) to an adult gaming centre (Sui Generis) to allow Cashino Gaming Ltd (trading as 'Merkur Slots') to occupy the unit. Merkur Slots is one of several brands owned by Praesepe Holdings Ltd and currently trade 162 adult gaming centres in the UK under the Merkur Cashino brand along with several other brands of bingo halls and amusement centres. Praesepe in itself is part of the international Gauselmann Group operating worldwide and employing thousands of staff.

5.2 The application has been amended since originally submitted to include alterations to the shop front and fascia to reintroduce a more appropriate design within this Conservation Area.

5.3 The application has been supported by:

- Planning Statement

6.0 RELEVANT PLANNING HISTORY

6.1 Application Reference 08/0800 - Installation of new shop front approved.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of the use

- impact on retail character, vitality and viability
- Impact on neighbour amenity

8.0 **CONSULTATION RESPONSES**

- 8.1 **Police:** The Lancashire Constabulary Licensing Team in Blackpool has no objection to the proposed change.
- 8.2 **Blackpool Civic Trust:** We object to this application as there is sufficient provision in the town centre and resort overall of similar premises. Blackpool has significant social problems and we do not need to increase premises which encourage more gambling. Also draft policy DM13 clearly sets out that applications such as this must jump a large number of hurdles. There is no justification with this application as to why permission should be granted.
- 8.3 **Local Highway Authority:** I have no objection to the proposal. Issues of access and storage of materials should be covered in a construction management plan
- 8.4 **Built Heritage Manager:** In heritage terms the use will have no adverse impact on the character of the conservation area and therefore I've no objection. The opportunity to improve the shop front is limited because the shop front itself is not being replaced, but improving the size and location of the signage should be a simple positive step in the right direction to create a more traditional style of frontage.
- 8.5 **Head of Environmental Protection:** Objects to 24/7 opening as there are flats across the road; and suggests an operating times regime the same as Molloys (23 Talbot Road), the closest public house to the proposal.

9.0 **REPRESENTATIONS**

- 9.1 Site notice published: 09/04/2020
- 9.3 Neighbours notified: 09/04/2020
- 9.4 Eight representations have been received from the following properties:
- Abingdon Street: 25 – 29, 33, 42 and 44
 - Birley Street: 7 and 12
 - Talbot Road: 25
 - Cedar Square: 5
- 9.5 These representations raise the following issues:
- Duplication of the existing gaming centre next door would not contribute to the vitality and viability of the centre as it would cater for the same public and not attract a single new visitor to the street.
 - It would give rise to a concentration of such uses, which would be harmful to the character and appearance of the street

- It would fail to extend the range and variety of facilities in this part of the town centre and the town centre as a whole.
- It would be detrimental to the character of the area as one that caters primarily for the pedestrian/shopper/café user.
- No hours of operation are specified, it could result in disturbance to occupiers of residential flats in the vicinity.
- Late opening would attract homeless and vulnerable people begging from customers.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework

10.1.1 The National Planning Policy Framework (NPPF) was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 7 – Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 16 - Conserving and enhancing the historic environment

10.2 National Planning Practice Guidance

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS4 Retail and other Town Centre Uses
- CS7 Quality of Design
- CS8 Heritage
- CS15 Health & Education
- CS17 Blackpool Town Centre

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced.

The following saved policies are most relevant to this application:

- SR6 Retail/Café Zone
- BH3 Residential Amenity
- BH18 Amusement Centres
- LQ10 Conservation Areas
- LQ11 Shopfronts
- LQ14 Extensions and alterations
- AS1 General Development Requirements

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policy in Part 2 is most relevant to this application:

- Policy DM13: Amusement Centres, Betting Shops and Pawnbrokers in the Town Centre.

11.0 ASSESSMENT

11.1 Principle

11.2 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 and 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.

11.3 There is a relevant adult gaming centre appeal decision at the property next door, 42 Abingdon Street (APP/J2373/W/18/3196247 allowed 18 May 2018). This property has a ground floor of 67 sq.m. with ancillary offices at first floor of 35 sq m. i.e. 102 sq.m. in total. In allowing the appeal, the Inspector concluded that the proposal would accord with Core Strategy Policy CS17 and saved Policy BH18; which seek to protect the character of the main shopping areas of the town 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.

11.4 Saved Policy SR6 supports property improvement and refurbishment within the

Retail/Café Zone and says that proposals, which would be detrimental to the character of the area as one, that caters primarily for the pedestrian/shopper/café user will not be permitted. It then lists the type of uses which would not be permitted, which includes public houses, bars and nightclubs and ground floor offices. It is considered that amusement centres and adult gaming centres are part of the shopping scene and so complies with Policy SR6.

- 11.5 Saved Policy BH18 allows amusement centres on Topping Street, Church Street, Cauce Street, King Street and Cookson Street. While Abingdon Street is not specifically mentioned, the accompanying text is not definitive in terms of limiting such uses to those streets, and the site is part of the secondary shopping area. The purpose behind the policy is *to protect the character of the main shopping areas of the town most frequented by visitors, where amusement centres would inevitably attract substantial numbers of holiday makers contrary to the retail character and amenities of the shopping area.*
- 11.6 The Inspector considered that even if the street's primary function remains retail/café based, the areas most frequented by visitors are still likely to be to the south-west and the west where the Principal Retail Core is located. Thus, the street was not, in his view, likely to attract substantial numbers of holiday makers contrary to the retail character and amenities of the centre.
- 11.7 Of more note, he considered that the proposed use would add to the variety of uses in the town centre, and in particular to the north-east of the Principle Retail Core. By re-using the unit, the proposal would strengthen and provide investment, supporting the re-branding of the town centre and four full-time jobs would be created. He agreed that amusement centres can be part of their customers' trips into the centre and the proposed use would contribute to the vitality and viability of the centre. This point, to an extent, is supported by the other amusement centres in the town centre. While these are all within neighbouring zones, there was no suggestion that there is an over-saturation of such uses in the town centre or that they have affected the character, amenity and vitality and viability of the centre.
- 11.8 For the purposes of the vitality and viability of the town centre, the premises have been vacant since 18 July 2017 and despite an active marketing campaign (online and on site), the unit received limited interest from three hot food takeaways and a charity shop, none of which progressed. Cashino's offer was accepted on 2 December 2019 and although marketing details have remained live despite this offer, no further interest has been received by the marketing agents. This property is within the Core Retail Area, but outside the Principal Retail Core. The February 2020 three monthly vacancy survey undertaken by the Council puts the vacancy rate in the Core Retail Area at 21%, which is marginally better than the 24% vacancy rate within the whole town centre boundary, but not as good as the Principal Retail Core at 14.9%. An overall total of 153 vacant units were recorded in the town centre in February 2020, whereas there were 125 vacant units in November 2017 which means that the vacancy rate has increased from 19.4% in November 17 to 24% in February 2020. However, of the 21 units (not counting the General Post Office) on Abingdon Street between Clifton Street and Talbot Road; four are shown as vacant, which is equivalent to a 19%

vacancy rate. Although this is better than the vacancy rate in November 2017 of 23.8%, it only equates to one less vacant property (there were five vacant in November 2017). Anything over 20% vacancy rate is noticeable and an indicator of a not particularly healthy shopping area.

- 11.9 In terms of the changes to the town centre in the vicinity of Abingdon Street, as at May 2020, the former 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.
- 11.10 To the north of the site an extension to the Promenade tramway is currently under construction to link the tramway network to Blackpool North Railway Station, with a terminus at the Wilko site. The tram terminus site will also accommodate a 142 bedroom hotel (application 17/0276 refers) and further office development with the aim of bringing more direct spending power into the town centre. Also on Talbot Road there is a 150 bedroom hotel, currently under construction on the former Yates site (application 15/0494 refers). Talbot Road is also part of a “Quality Corridors” initiative which has seen enhancements to the streetscape and shopfronts over the last few years.
- 11.11 To the south of Abingdon Street, major investment schemes are ongoing at the Winter Gardens (the main entrance to which is an extension to Abingdon Street), where a three storey extension is currently under construction to its eastern side to house a conference and exhibition centre capable of accommodating some 1500 people (application 16/0809 refers). Directly opposite this will be a 203-bedroom hotel, fronting Leopold Grove. To the west of the Winter Gardens on a site abutting the Hounds Hill shopping centre permission has been granted for the relocated Wilco store with an Imax cinema and three smaller cinemas above (application 17/0453 refers).
- 11.12 Against this background it is considered that the relatively 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 on Abingdon Street and the major schemes currently under construction at either end of the street. These developments mean that the role of Abingdon Street as a major thoroughfare will increase in the future and its vitality is likely to improve.
- 11.13 The Planning Practice Guidance section: Town Centres and retail, sets out a number of indicators for assessing the health of town centres, which are also relevant to vitality and viability. They include diversity of uses, the proportion of vacant street level property and customers experience and behaviour, amongst other considerations. Since Policy BH18 does not have a saturation / proximity element to it, and given the

analysis of vacancy rates, I consider that the viability / vitality of the shopping area would not be adversely affected by locating one adult gaming centre immediately adjacent to another. The introduction of a national operator, currently not present in town, will introduce competition and a wider range and variety of facilities in this part of the town centre. In addition the equivalent of five full time jobs would be created, the proposal would contribute to the night time economy, and provided increased surveillance in the area.

- 11.14 Given the proposal's scale and location, it would not conflict with Core Strategy Policy CS17 which seeks to strengthen the retail offer with new retail development, with the principal retail core being the main focus for major retail development.
- 11.15 Mention must be made of Policy DM13: Amusement Centres, Betting Shops and Pawnbrokers in the Town Centre. Blackpool has a high concentration of betting shops, pawnbrokers and amusement centres per capita compared to national averages. The over-representation of betting shops, pawnbrokers and amusement centres can restrict the retail choices available and can have an impact on the health and finances of more vulnerable members of the local community, particularly in the Inner Area, which suffers from significant levels of deprivation.
- 11.16 The second part of the policy states that any proposal for a new amusement centre, betting shop or pawnbrokers will only be permitted where it can be demonstrated that the proposal:
- a. will not impact adversely on the amenity, character and function of an area;
 - b. will not have a detrimental impact on the vitality of the town centre;
 - c. will not result in negative cumulative impacts due to an unacceptable concentration of such uses in one area.
- 11.17 The supporting text says that in assessing the likely impacts of a proposal, regard will be given to the type of use, proposed opening hours, size of premises and operation and servicing. The Council will also consider whether the proposal is likely to increase or create a negative cumulative impact in the surrounding area (generally within a radius of 400 metres of the site). A standard benchmark for walking distance is considered to be 400 metres equating to approximately a five-minute walk. Whilst the proposed adult gaming centre is immediately adjacent to an existing adult gaming centre, the concentration aspect of policy DM13 can be given little weight at the present time due to the early stage of preparation of the document.

12.0 Amenity

- 12.1 The proposed hours of operation have been indicated as 24 hours, seven days per week. The agent has indicated that after 11pm the level of custom reduces significantly and then caters predominantly for local entertainment workers and shift workers. In this respect, the Inspector at appeal restricted the opening times for customers to the adult gaming centre at 42 Abingdon Street to between 09:00 to 21:00 Monday to Sunday. This is what the appellant applied for and the Inspector considered the condition necessary, in the interests of the character and amenity of

- the area. The applicant objects to a similar condition and cites a recent appeal decision in a district centre in Hull (APP/V2004/W/19/3233244 allowed 22 October 2019), where the applicant proposed 24 hour opening. In that instance the proposed adult gaming centre was also immediately adjacent to an existing adult gaming centre and was in effect an extension to it. The Inspector opined that this is not unacceptable in a district centre location and a restriction on opening hours would not be reasonable or necessary.
- 12.2 Similar to all licensed bingo venues, the applicant operates electronic bingo terminals and gaming machines. Under the Gambling Act 2005, the default conditions provide that no facilities for gambling shall be provided on the premises between the hours of midnight and 9am. The Council's licensing department has an application pending on this property for a new Bingo Premises Licence, which if granted, would allow them to operate bingo during the standard hours of 09.00 to midnight. However, there are no restrictions on the hours which gaming machines can be made available for use, so they could have these machines 24/7. The Head of Environmental Protection considers that, in order to assess the impact on residential amenity, a condition restricting opening times to those similar to Molloy's bar on Talbot Road (a close by late night noise generating use) would be appropriate for the first year. The applicant could then apply for removal of the condition to allow 24 hour operation if the impact on residential amenity was not discernible for this particular use. Such a condition is acceptable to the applicant and is proposed. Molloy's opening times are: Monday – Wednesday 07:00 – 00:30; Thursday 07:00 – 01:30; Friday – Saturday 07:00 – 04:30; Sunday 07:30 – 01:30 (licensable activities do not commence until 9am, however they can from 7am do non licensable activities e.g. serve breakfast).
- 12.3 Adult gaming centres do not have the noisy machines and tannoy systems found in seaside amusement arcades. There are no residential uses directly above or to the side of the application site. The internal staircase was removed several years ago, so the space is void with the windows on the front elevation boarded up and the upper floor is not within the applicant's demise. The Head of Environmental Protection is satisfied that the proposed soundproofing and self-closing doors, so that no amplified music is audible from the street, would protect the amenities of shoppers and visitors from potential noise outbreaks.
- 12.4 In terms of the Town Centre Conservation Area and impact on its character/appearance, the application site has been vacant for almost three years (since 18 July 2017) and its current condition has a detrimental effect on the appearance of the conservation area.
- 12.5 With regard to the effect of the proposed use on health and education, which policy CS15 seeks to improve, there is potential for the proposal along with other amusement centres and betting shops to collectively influence peoples everyday lives. This is particularly true for those in the inner areas, near to the town centre, where some of the more serious health and crime problems persist. In allowing the adult gaming centre appeal at 42 Abingdon Street, the Inspector considered that there was little conclusive evidence that the proposal would individually, or collectively, result in harm to people's health and education, or prevent them from leading healthy lifestyles.

Similarly, in a more recent appeal decision in Kidderminster Town Centre (APP/R1845/W/19/3242723 allowed 17 April 2020), the Inspector stated that a condition restricting opening hours to between 10:00 and 23:00 to mitigate any adverse effects relating to crime and anti-social behaviour was unnecessary, as there was no evidence to suggest otherwise.

13.0 Design

13.1 There is no adverse issue in terms of the design. The Head of Built Heritage considered that the revised proposal, which includes the introduction of pilasters and a smaller fascia, would have a positive effect on the appearance of the conservation area. A window display could be required by condition in order to retain a retail type frontage. Although it would not be an active frontage with inviting views through into the shop, it would be akin to some A2 frontages.

14.0 Highway Safety/Parking and Servicing Arrangements

14.1 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. A condition requiring a construction management plan would be appropriate.

15.0 Other Issues

15.1 Drainage and flood risk are not an issue

15.2 Biodiversity impact is not an issue

15.3 Environmental impact is not an issue

15.4 Air, water and land quality are not adversely affected

15.5 The application has 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 of the Crime and Disorder Act 1998 (as amended).

15.6 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

16.0 Sustainability and planning balance appraisal

16.1 Sustainability comprises economic, environmental and social components.

16.2 Economically the scheme would bring minor benefits with the creation of the equivalent of five full time jobs, the contribution to the evening economy with the proposed opening hours and with regard to providing natural surveillance, along with

other evening uses. It would support the function of the town centre and generate business rates. In addition, some employment would be generated during construction.

- 16.3 Environmentally, the quality of the Conservation Area would be improved by the alterations proposed to the shop front. Biodiversity would not be materially affected, nor would there be any significant detrimental impact on drainage.
- 16.4 Socially, the scheme would not result in harm to people's health and education, or prevent them from leading healthy lifestyles.
- 16.5 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the economic, environmental and social components. No other material planning considerations have been identified that would outweigh this view.

17.0 CONCLUSION

17.1 The adult gaming centre is in accordance with Policy BH18. In addition, there are other material considerations:

- the vacancy rate on this section of Abingdon Street
- the length of vacancy of this unit, since at least November 2017
- the size of the unit – the loss would not amount to a significant floor space
- frontage improvements in the conservation area
- employment benefits with the equivalent of five full time jobs created
- year round trading
- business rates (previously empty)

These matters have to be weighed in the balance.

17.2 I conclude that the benefits outweigh the unadopted Policy DM13 considerations in this particular instance and permission should be granted.

18.0 BACKGROUND PAPERS

18.1 Planning Application File(s) 20/0187 which can be accessed via the link below:
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

19.0 RECOMMENDATION

19.1 Approve subject to the following conditions:

- 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 and information: dwg nos. AS/BL/04 Rev C and AB/BL/03 Rev A.

The development shall thereafter be retained and maintained in accordance with these approved details.

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

- 3 The use hereby approved shall not operate outside of the hours of:

- (a) Monday to Wednesday 07:00 to 00:30 on the following day
- (b) Thursday 07:00 to 01:30 on the following day
- (c) Friday to Saturday 07:00 to 04:30 on the following day
- (d) Sunday and Bank Holidays 07:00 to 01:30 on the following day

Reason: In order to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.

- 4 The scheme of sound and vibration proofing measures detailed on plan reference AB/BL/03 Rev A shall be carried out before the premises is first brought into use and retained thereafter. The scheme shall include a self-closing door to the Abingdon Street elevation (which shall not be propped or held open), so that amplified music is not audible from the street.

Reason: In order to safeguard the amenities of nearby residents and visitors, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 – 2027 and Policy BH3 of the Blackpool Local Plan 2001 – 2016.

- 5 No amusement only equipment/machines shall be installed on the premises.

Reason: In order to safeguard the amenities of nearby residents and visitors, in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012 – 2027 and Policy BH3 of the Blackpool Local Plan 2001 – 2016.

- 6 A window display shall be maintained at all times in the ground floor windows to the Abingdon Street elevation.

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

20/0187 40 ABINGDON STREET



Planning Committee:

16 JUNE 2020

Planning Application Reports – Update Note

Listed below are changes to the planning reports made as a result of additional information received since the publication of the agenda for this meeting.

Case:	Address:	Update:
20/0187	40 ABINGDON STREET	<p>The agent has submitted a Praesepe Group brochure, which has been attached for Members to assist their understanding of the proposal and the nature of the operation.</p> <p>A letter has been circulated to members from the owner of the adjacent premises 42 Abingdon Street:</p> <p>“Dear Councillor I set out below some of the points about this application I hope you will consider relevant. Obviously my objection is commercially motivated but the substance of this objection is not. It is based on the application of planning policy and the merits of the case.</p> <p>I would ask you to note that although the application has been processed during ‘lockdown’ when only 2 businesses in the street have been open both they and a number of other traders object.</p> <p>My planning points are:-</p> <ol style="list-style-type: none"> 1. Planning Policy – Saved Local Plan policy SR6 says that ‘Proposals which would be detrimental to the character of the area as one that caters primarily for the pedestrian/ shopper/café user will not be permitted.’ <i>The supporting paragraph 3.31 says ‘..the aim is to extend the range and variety of facilities which contribute to the Town Centre’s overall attraction</i>

		<p><i>to the shopper.</i>' - this would duplicate, not extend, facilities because the site is next to an identical establishment.</p> <p>It would provide nothing new or different or attract any new trade or customers into the street.</p> <p>2. Precedent – The applicants support their application by pointing to ‘precedent’ set by the decision to permit a similar arcade on appeal next door in 2018. There were (before ‘lockdown’) 3 other vacant shops in the street to which exactly the same arguments could be applied. There may be more vacancies after normality resumes – the council should not feel obliged to permit this proposal for more arcades on the back of the original 2018 appeal. Normally each application is treated on its merits. Bear in mind that the frontage and the floor area of these proposed premises are both 50% greater than the existing arcade.</p> <p>3. Trading Hours – Despite the residential uses nearby the applicant seeks 24 hour trading contrary to the ‘precedent’ of the 2018 decision and the following hours are being recommended if permission is granted – Monday - Wednesday 07:00 – 00:30; Thursday 07:00 – 01:30; Friday – Saturday 07:00 – 04:30; Sundays & Bank Holidays 07:00 – 01:30. Interestingly the reason for the condition is said to be <i>‘In order to safeguard the amenities of nearby residents’</i>.</p> <p>In imposing the condition limiting trading hours 09:00 to 21:00 Monday to Sunday in the May 2018 appeal decision next door the planning inspector says <i>‘Conditions are <u>necessary, in the interests of the character and amenity of the area, to secure sound and vibration proofing measures and to control the use and opening hours</u>’</i> (paragraph 16)</p> <p>Circumstances in the area have not changed since then. The comparison with Molloy’s is a false one. To the north of Talbot Road (as Molloy’s is) is the focus of the town’s late night premises – not in this part of Abingdon Street.</p>
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Blackpool Council

		<p>4. Residential Occupation – As the officer’s report acknowledges there are residential uses nearby. In fact there are 6 flats in the short section of Abingdon Street up to the junction with Talbot Road. Further, there are other vacant upper floors (including over the subject property) which have that potential but which will be unlikely ever to become flats if these hours are permitted.”</p> <p>John Warwick Tunnicliffe</p>
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THE PRAESEPE GROUP



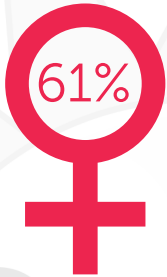


PART OF THE GAUSELMANN GROUP.

A strong partner for more than 60 years.



of employees
are Male.



of employees
are Female.

Praesepe is a subsidiary of the family run **Gauselmann Group** who are based in Espelkamp (Germany). Over the last 60 years the group has grown to operate more than 700 venues across Europe under the Merkur Brand.

Millions of enthusiastic guests at home and abroad know our logo, the laughing MERKUR Sun, is a guarantor for the best Entertainment.

Praesepe employs over 1,600 people (61% female*) over the 5 Bingo Clubs, 160 High Street Gaming centres (73 High Street Bingos and 87 Adult Gaming Centres) and 5 Family Entertainment Centres under three main brands:

Merkur Cashino is an established brand in the UK and represents the very best in terms of exciting "slot gaming" entertainment through delivering to our customers the latest in venue product and atmosphere. These venues are known for their highly trained teams and first class face to face service.

Merkur Slots is a new up and coming brand in the UK bringing the latest fun slots & bingo experience in smaller sized High street locations.

Beacon Bingo clubs are very important to our customers in their local communities. Our teams strive to deliver not just great service but a bingo experience which focusses on ambience, safety and fun in a modern environment. The flagship venue at Cricklewood, in North London, is the largest in Europe.

MYTHBUSTERS

“We are not betting shops”

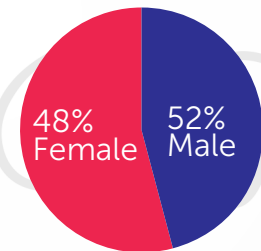


Praesepe is one of the UK's largest operators of High Street Adult Gaming Centres (AGCs). AGCs are often, unfortunately, put into the same category as betting shops. This is because there is a widespread misunderstanding of how AGCs operate and who our customers are. We want to address these misconceptions and demonstrate that a new AGC on your local high street is a good thing.

- Public concerns surrounding betting shops was largely due to the presence of Fixed Odds Betting Terminals (FOBTs). Our venues do not offer these types of machines. Our machines offer low stakes ranging from 10p to a maximum of £2. The average stake from our customer is between 30-40p. These machines have been around for many, many years.
- Our AGCs are where people come to spend their spare change, have a game of bingo and enjoy their favourite pastime in convenient locations.
- The market on the high street has evolved with venues now providing electronic bingo tablets.
- Our teams remain with the customers on the venue floor rather than behind a counter.
- We provide complimentary refreshments, teas and coffees, to customers and do not sell alcohol. Our staff will not allow anyone into the premises who appears to be intoxicated.
- Our venues operate a Think 25 policy whereby any person's who look under 25 have to produce a form of photo ID.
- Our venues appeal to all ages with our membership gender database split of 52 % male / 48% female.



**30-40p
Average
Stake**



**Database
Customer
Split**



OUR OPERATION

“We are not noisy neighbours”

Whilst we sit within the leisure sector noise levels are very low and limited from our venues. We currently operate 24 hours in over 90 venues. Our customer base after midnight is predominantly the local entertainment workforce and shift workers who like to relax after their busy shifts.

- Our machines generate low levels of noise .
- We do not have tannoy systems that you find in seaside amusement centres .
- We only play background music like at any other high street shop.
- Customers tend to visit on their own or in couples. We rarely see large groups
- We are immensely proud of the fact that we have never had a licence revoked or even reviewed . Incidents are extremely rare. We simply do not generate noise and anti social behaviour.

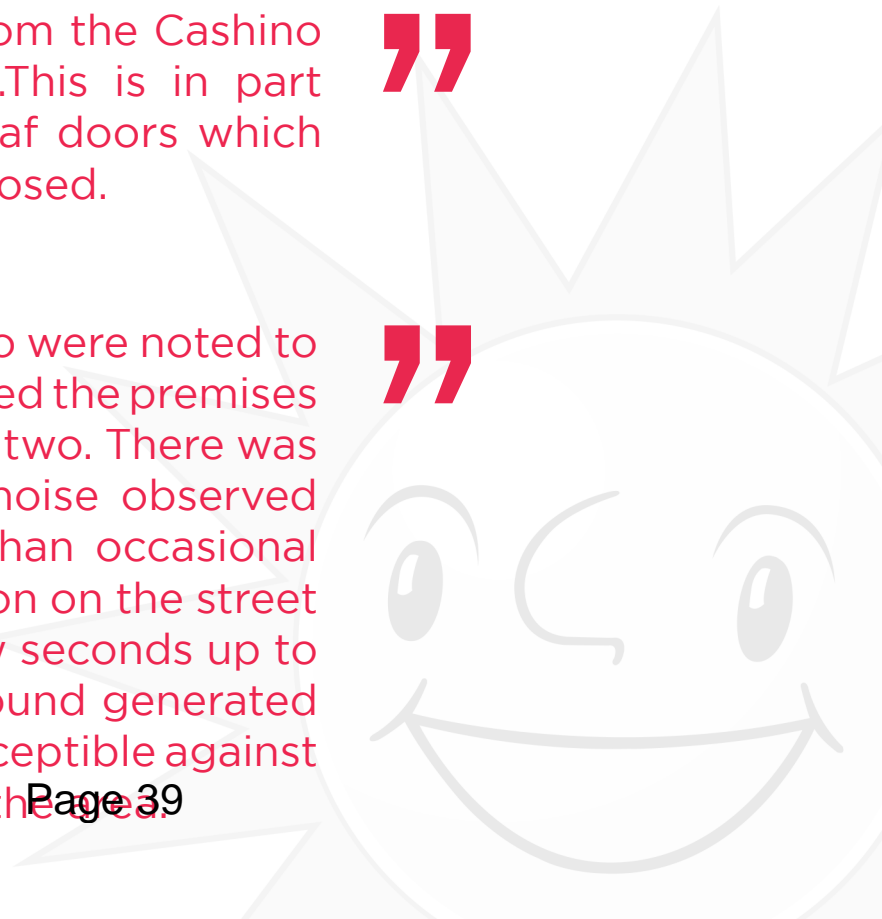
OUR OPERATION

“We are not noisy neighbours”

Below are some quotes from a recent operational/patron noise assessment undertaken on one of our existing Cashino units seeking to extend their opening hours:

“ No breakout noise from the Cashino could be perceived...This is in part due to the double leaf doors which were nearly always closed.

“ Patrons of the Cashino were noted to be very quiet and visited the premises alone or in a group of two. There was no shouting or any noise observed from patrons other than occasional mid range conversation on the street which lasted for a few seconds up to a minute only. Any sound generated by patrons was imperceptible against the ambient noise in the area.”



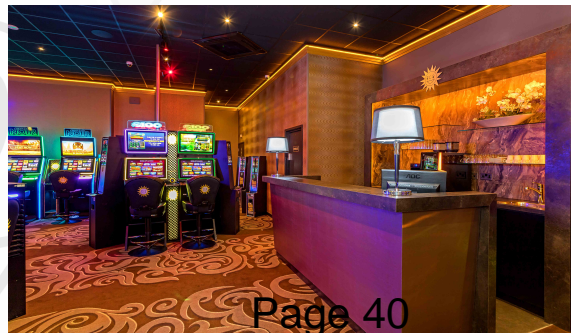


BENEFITS

To the High Street

Benefits for your High Street include:

- Investment from **£100,000** to **£250,000** in long standing vacant units.
- Increased footfall to the High street.
- Linked trips with other shops helping to support other businesses.
- Local Jobs of between 6-12 people depending on the hours of operation.
- We provide an important natural surveillance on the High Street, particularly late into the evenings.



Inspector appeal quotes have highlighted the following:

“ The site's location close to the other shops and services would result in the potential for linked trips and associated footfall. ”

Hull

“ I also consider that the proposed use of the appeal site as an adult gaming centre would be of greater benefit to the health of the shopping area than the use of the site as a betting office. ”

Bournemouth

“ Leisure and entertainment uses are accepted and normal in town centres and form part of a mix that contributes to viability and vitality appealing to a wide diversity of age and social groups, a broad range of retail offering is appropriate and adult gaming centres are an accepted part of many town centres as a part of the mix. ”

Chiltern

“ AGCs Attract customers in comparable numbers to the shops around them and are designed to compliment the shopping experience in town centres. ”

Bexley



COMMUNITY & CHARITY



Praesepe has raised in excess of £1.2m for good causes since 2005 and currently supports the Bacta Charitable Trust.

Praesepe PLC

Seebeck House
1A Seebeck Place
Knowhill
Milton Keynes

MK5 8FR

phone 01908 351200

email info@praesepeplc.com



Please contact us.



Appeal Decision

Site visit made on 8 May 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2018

Appeal Ref: APP/J2373/W/18/3196247 **42 Abingdon Street, Blackpool FY1 1DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JWT Leisure against the decision of Blackpool Borough Council.
 - The application Ref 17/0699, dated 5 October 2017, was refused by notice dated 20 December 2017.
 - The development proposed is a change of use from retail to amusement centre (adult gaming centre).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from retail to amusement centre (adult gaming centre) at 42 Abingdon Street, Blackpool FY1 1DA in accordance with the terms of the application, Ref 17/0699, dated 5 October 2017, subject to the conditions in the attached schedule.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: B17-1892.01 Rev A.
 - 3) Before the premises hereby permitted are first brought into use, a scheme of sound and vibration proofing measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a self-closing door to the Abingdon Street elevation (which shall not be propped open), so that amplified music is not audible from the street. The approved scheme shall be carried out before the premise is first brought into use and retained thereafter.
 - 4) No amusement only equipment/machines shall be installed on the premises.
 - 5) The premises shall at all times include a window display.
 - 6) The use of the premises hereby permitted shall not be open to customers outside the following times: 09:00 to 21:00 Monday to Sunday.

Application for costs

2. An application for costs was made by JWT Leisure against Blackpool Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of Blackpool Town Centre, with particular reference to its character and appearance.

Reasons

4. The appeal premise is one of three properties in a small terrace on the eastern side of the street. Two of the three properties, including the appeal premise, are vacant. The other property is occupied by Abingdon Barbeque. The site is in the Town Centre and the extended Town Centre Conservation Area (TCCA) on the Blackpool Local Plan Proposals Map. The Town Centre is divided into zones. The appeal premise forms part of the 'SR6 Retail / Café Zone' and is within the Core Retail Area in the Council's Shopping Study. This zone is the focus of the Town Centre's secondary shopping area. Planning permission was not, however, refused on the basis of saved Policy SR6 of the Blackpool Local Plan 2001/2016 (BLP). In any event, the site is outside of the Principal Retail Core (PRC) of the Town Centre, which is to the south-west.
5. Saved BLP Policy BH18 explains that amusement centres will only be permitted within the main concentrations of secondary shopping east of and on the edge of the Town Centre. The accompanying text to the policy identifies that *amusement centres will similarly only be permitted in the eastern edge of the main Town Centre away from the areas most frequented by visitors and will also be permitted on Topping Street within the Town Centre and on other main secondary shopping streets such as Church Street, Counce Street, King Street and Cookson Street outside and immediately east of the Town Centre.*
6. The Proposals Map does not indicate the area referred to by saved BLP Policy BH18. The proposal would fall within the definition of a main town centre use as set out in Annex 2 of the National Planning Policy Framework. Abingdon Street is in-between the PRC and the adjacent Mixed Use Zone (SR7) which includes Topping Street. Abingdon Street is characterised by independent and chain retail uses that seem in the main to serve the local community and not visitors. I saw during my daytime site visit a steady footfall and pattern of activity linked to the retail units on the street. There were also comings and goings due to bus services setting down on the street.
7. Due to Blackpool's status as a holiday resort, amusement arcades are primarily on the Promenade and at Blackpool Pleasure Beach. The Council interpret saved BLP Policy BH18 to mean that amusement centres would only be allowed on Topping Street, Church Street, Counce Street, King Street and Cookson Street. While Abingdon Street is not specifically mentioned, the accompanying text is not definitive in terms of limiting such uses to those streets, and the site is part of the secondary shopping area. The purpose behind the policy is *to protect the character of the main shopping areas of the town most frequented by visitors, where amusement centres would inevitably attract substantial numbers of holiday makers contrary to the retail character and amenities of the shopping area.*
8. Planning permission was granted in November 2017 for a scheme at the former post office on Abingdon Street which would see the buildings used for retail, leisure, offices, restaurants and cafes¹. Talbot Street and Winter

¹ Ref: 17/0503

Gardens are at either end of the street. Works have started or they are about to start shortly on a variety of developments², which include: an extension to the Promenade tramway; hotels; a conference and exhibition centre; the relocation of a retail store; and multiple cinemas. This is against the backdrop of Policy CS17 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) (Core Strategy) which seeks 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 re-brand the town centre.

9. Added to this, albeit before the adoption of the Core Strategy, the Houndshill Centre was expanded considerably in 2008. The appellant submits that this has shifted the pattern of trade, and thus the role and importance of different shopping streets. The Council do not dispute this point, but they consider that Abingdon Street is an important link to the PRC and Winter Gardens.
10. The character of the area surrounding the appeal premise could well change. The developments referred to by the Council all point to the ambition to strengthen the town centre as a cultural, leisure and business destination for residents and visitors. As such, even if the street's primary function remains retail/café based, these developments are likely to bring residents and visitors into the area near to the appeal premise. As a result, I agree with the Council that the street is likely to be a busy thoroughfare. However, the areas most frequented by visitors are still likely to be to the south-west and the west. Thus, the street is not, in my view, likely to attract substantial numbers of holiday makers contrary to the retail character and amenities of the centre.
11. The proposed use would add to the variety of uses in the town centre, and in particular to the north-east of the PRC. By re-using the unit, the proposal would strengthen and provide investment, supporting the re-branding of the town centre. Four full-time jobs would be created. I note that the proposed use would consist mainly of low-stake and prize gaming machines for adults. Thus, it would be different to amusement arcades. I agree with the appellant's evidence that amusement centres can be part of their customer's trips into the centre. Thus, the proposed use would contribute to the vitality and viability of the centre. This point, to an extent, is supported by the other amusement centres in the town centre. While these are all within neighbouring zones, the Council do not suggest that there is an over-saturation of such uses in the town centre or that they have affected the character, amenity and vitality and viability of the centre. Also, given the proposal's scale and location, it would not conflict with Core Strategy Policy CS17 which seeks to strengthen the retail offer with new retail development, with the principal retail core being the main focus for major retail development.
12. Notably, the visual appearance of the premise would not be that of a retail unit. I note the Council do not raise concern about the design of the unit, but the parties suggest a planning condition to secure a window display. I agree to protect the appearance of the street.
13. Concerns are expressed about the effect of the proposed use on the health and education of Blackpool's population, which Core Strategy Policy CS15 seeks to improve. I recognise the potential for the proposal along with other amusement

² Refs: 17/0276; 15/0494; 16/0809; and 17/0453

centres and betting shops to collectively influence people's everyday lives, especially for those in areas near to the town centre which are said to have some of the most serious health and crime problems. However, there is little conclusive evidence that the proposal would, individually or collectively, result in harm to people's health and education, or prevent them from leading healthy and active lifestyles.

14. I conclude that the proposal would accord with Core Strategy Policy CS17 and saved BLP Policy BH18; which together, among other things, seek to protect the character of the main shopping areas of the town 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. The proposal would also accord with Core Strategy Policy CS15 which supports development that encourages healthy and active lifestyles and addresses the Council's health problems.

Other matters

15. Although the premise would be in the TCCA, I agree with the view of the Council's Built Heritage Manager that the proposal would have a minimal effect on the character and appearance of the conservation area. The scheme would have a neutral effect on the character and appearance of the TCCA, thereby preserving it. I also note that the site is in an accessible location among a range of facilities and services, which include different public transport options.

Conclusion and conditions

16. I have had regard to the conditions that have been suggested by the parties. I have imposed a condition specifying the approved plan as this provides certainty. Conditions are necessary, in the interests of the character and amenity of the area, to secure sound and vibration proofing measures and to control the use and opening hours.
17. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

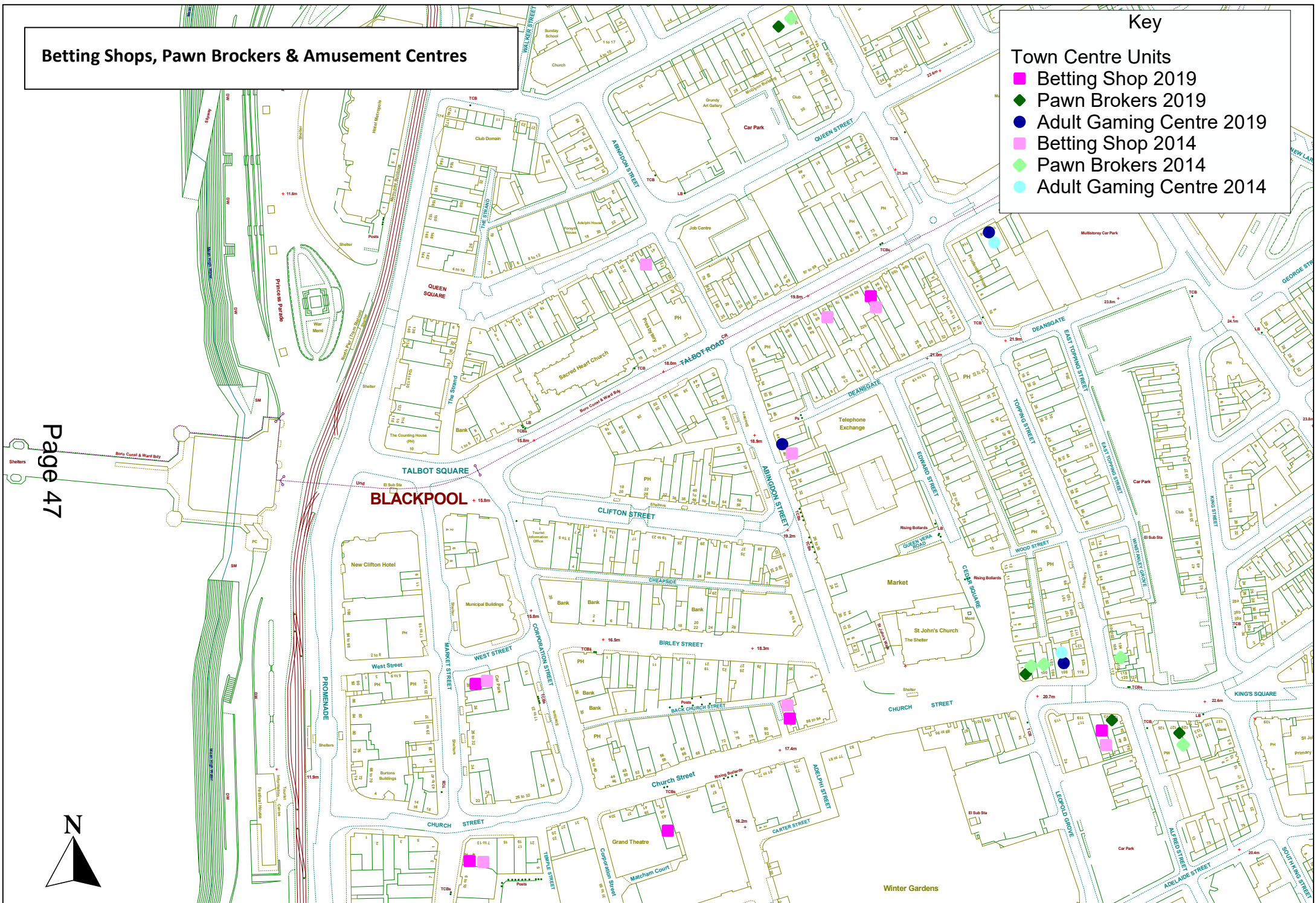
INSPECTOR

Betting Shops, Pawn Brokers & Amusement Centres

Key

Town Centre Car Units

- Betting Shop 2019
- ◆ Pawn Brokers 2019
- Adult Gaming Centre 2019
- Betting Shop 2014
- ◆ Pawn Brokers 2014
- Adult Gaming Centre 2014



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