

Officer Report to Committee

Application ref: 22/0019
Ward: Bloomfield
Application type: Full Planning Permission
Location: Odeon Cinema, Festival Leisure Park, Rigby Road, Blackpool FY1 5EP
Proposal: External alterations including the installation of glazed shopfronts, cladding, render and additional glazing and use of premises as altered as indoor sport, recreation or fitness use (Use Class E(d)) with two food and drink units (Use Class E(b)) to front ground floor.

Recommendation: Approve in principle see 2.1 below.
Case officer: Clare Johnson
Case officer contact: 01253 476224
Meeting date: 26 July 2022

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 the first priority in so far as it would create additional employment opportunities.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The applicant has demonstrated that there are no sequentially preferable sites available that are suitable for the development proposed, that the leisure use would not undermine the character and function of the Resort Core, conflict with the Blackpool Central strategic site (Leisure Quarter) or other planned investment, and the design of the building has been amended and is considered to be satisfactory. As such, it is recommended that the Committee resolves to grant planning permission and delegates authority to the Head of Development Management to issue the decision notice, once the statutory 21 day consultation period expires.

3.0 INTRODUCTION

- 3.1 This application is before Members as this is a major out-of-centre leisure development of public interest.
- 3.2 Pre-application advice was sought in respect of this scheme in July 2021 and a meeting was subsequently held and written advice issued. The principle of the proposal was discussed including the need for the applicant to demonstrate compliance with the sequential test and show that the development would not have an unacceptable impact on the health of the town centre, district or local centres or any planned development such as the Blackpool Central site.

- 3.3 When initially submitted, the application failed to provide sufficient evidence to demonstrate compliance with the sequential test and insufficient consideration had been given to any impacts on the Town Centre, the Blackpool Central site and the nearby local centre on Central Drive. It was unclear what types of leisure uses could operate from the site. The design of the façade was considered to be poor and the provision of four small independently operated food and drink units was considered to be unacceptable. There were highway concerns also regarding the lack of electric vehicle (EV) charging infrastructure, cycle and motorcycle parking. The applicant has worked with officers to amend the scheme to provide design improvements to the façade, amending the car park layout to accommodate more EV charging spaces, cycle and motorcycle parking, and reduce the number of food and drink units to two. Additional sequential and impact arguments have now been accepted and a Statement of Intent has been submitted, giving further details regarding the range of potential uses and the proposal is now supported by officers.

4.0 SITE DESCRIPTION

- 4.1 The application relates to the Festival Leisure Park which is bound to the south by Rigby Road; the west by Seaside Way; the north by Princess Street; and to the east by Kent Road and Salthouse Avenue. There are residential properties on all sides of the site with exception of the former Central Club on Kent Road and a commercial unit on the corner of Rigby Road and Salthouse Avenue to the east.
- 4.2 The site is approximately 300m to the south of the Town Centre and Leisure Quarter (as the crow flies), approximately 75m to the west of the Central Drive Local Centre and abuts the Resort Core to the west along Seaside Way.
- 4.3 At present the site is occupied by a large Odeon multiplex cinema (the application site), a Bannatynes Fitness Centre, a McDonald's drive-thru and a Frankie and Benny's restaurant. A Bingo Hall is currently under construction where the former Swift Hound public house was situated along the eastern boundary of the site. Part of the car park is currently fenced off around the site of a proposed drive thru café and restaurant which was granted planning permission in 2021 (21/0867 refers).
- 4.4 Vehicular access to the site is currently taken from Rigby Road between Frankie and Benny's and the emerging Bingo Hall, although the main point of access would ultimately move westward as part of the bingo hall permission. There is a telecoms tower in the north-western corner of the site and this is served by a second vehicular access from Princess Street. Pedestrian access is taken from two points on Rigby Road, Kent Road and Princess Street. A red brick wall with planting strips behind, and the embanked Seaside Way demarcate the boundary of the site. A lot of the site's green infrastructure has been lost to make way for the Bingo Hall but a replacement landscaping scheme has been agreed and should be implemented once construction has been completed.
- 4.5 The buildings on the site vary in scale and design but the application site is the largest. The Odeon building is a purpose built multiplex cinema which is centrally located and the main focus of the leisure park. The building is around three storeys in scale and has a footprint of some 4,200sqm.
- 4.6 The site has no allocation on the Proposals Map to the Local Plan. The site is largely within flood zone 1 but the surrounding streets are either in flood zone 2 or 3. The building itself is

in flood zone 1. The site is within the Inner Area but no other designations or constraints have been identified.

5.0 DETAILS OF PROPOSAL

5.1 The application proposes the conversion of the Odeon to a family entertainment centre which would provide a range of indoor sport, recreation or fitness uses as defined by Use Class E(d), along with two independently accessed food and drink units. The application sets out that the leisure use will be occupied by a single family orientated leisure operator. A Statement of Intent describes the range of potential uses for clarity including:

- Bowling
- Trampolining
- Climbing walls
- Crazy golf
- Arcade and video games
- Darts
- Snooker
- Lazer quest
- 'ninja warrior' type facility
- Painting and arts and crafts
- Indoor sport such as 5 a side football, tennis or badminton
- Rollerblading and roller skating

5.2 External alterations are proposed to include glazed aluminium shopfronts on the front (south) elevation and new cladding and render to the upper floors.

5.3 The upper floor cladding around the north, east and west elevations would not be dissimilar to the existing cladding, although the colour has not been confirmed. The design of the upper floor of the front (south) elevation introduces projecting triangular windows and cladding within ordered bays, either side of the existing main entrance feature. The area around the front entrance is currently buff brick and this would be rendered over along with small sections of the east and west elevations. The existing canopies would be removed and replaced by brise-soleil solar shades. The application is accompanied by cross sections and CGIs to help explain the design of the front elevation.

5.4 13 EV charging points and 12 additional motor bike parking spaces are proposed to serve the development. The car park is a shared facility with the other uses on the site.

5.5 The application has been supported by:

- Planning and Leisure Statement (including sequential assessment)
- Design and Access Statement
- Noise Assessment
- Transport Statement
- Statement of Intent

6.0 RELEVANT PLANNING HISTORY

6.1 18/0202 – Demolition of existing public house, relocation of the vehicular access and erection of a bingo hall (Use Class D2) and a drive-thru café/restaurant (Use Class A3) with

associated reconfiguration of the existing car park and provision of new landscaping – refused 27/07/2018 but subsequently allowed at appeal.

6.2 21/0867 – Erection of a drive thru café and restaurant, reconfiguration of the existing car parking layout and associated landscaping and ancillary works – approved 15/12/2021.

6.3 Various other applications have been submitted and determined but none are particularly relevant to this application.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- The principle of the proposed uses
- Design and visual impact
- Impact on residential amenity
- Impact on highways

8.0 CONSULTATION RESPONSES

8.1 **Blackpool Airport:** No response.

8.2 **Cinemas Trust:** This Odeon cinema is an out-of-town multiplex with no historic interest, so we have no comments on the application.

8.3 **Police Architectural Liaison Officer:** recommends that the scheme is designed and constructed to Secured by Design security specifications. The response gives advice on CCTV, alarms, lighting etc to reduce antisocial behaviour and crime and various other security measures including that the parking facilities should be designed to Park Mark standards. A request to remove the overhang at the front of the property has also been made.

8.4 **Environmental Protection:** No response.

8.5 **Head of Highways and Traffic Management:**

8.5.1 No objection to the principle or scale of the proposal.

8.5.2 The site as a whole broadly complies with the parking standards. Cycle parking meets the standard numerically but the facilities themselves do not. Motorcycle parking does not meet the required number or standard. Proposed charging facilities do not meet the required number. I assume that this is the subject of discussion with the developer. Since the site is largely self-contained I do not see any serious issue/effect beyond the site. The provision of any type of parking and facility is a matter for the planning authority and also relates to the attractiveness of the site. I have noted and have no issue with the traffic generation assessment.

8.5.3 The design of the amended access and off-site highway works is the subject of ongoing discussions and I anticipate that these will be resolved successfully.

8.5.4 Further to the submission of amended plans, the Head of Highways and Traffic Management has found the arrangements to be acceptable, subject to further detailed design being agreed.

8.6 **Drainage Officer:** No impact on drainage.

9.0 REPRESENTATIONS

9.1 Site notice published: 22/01/2022

9.2 Press notice published: to be confirmed in the Update Note.

9.3 Neighbours notified: 17/01/2022

9.4 No representations have been received as a result of the public consultation.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The NPPF was adopted in July 2021. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 6 – Building a Strong, Competitive Economy
- 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 14 – Meeting the Challenge of Climate Change, Flooding, and Coastal Change

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The 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:

- CS3 Economic Development and Employment
- CS4 Retail and Other Town Centre Uses
- CS7 Quality of Design
- CS10 Sustainable Design and Low Carbon and Renewable Energy
- CS12 Sustainable Neighbourhoods
- CS17 Blackpool Town Centre
- CS20 Leisure Quarter (Blackpool Central site)
- CS21 Leisure and Business Tourism

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:

- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- LQ11 Shopfronts
- LQ14 Extensions and Alterations
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH15 Change of Use of Premises Outside the Defined Centres
- BH17 Restaurants, Cafes, Public Houses, Hot Food Takeaways
- BH18 Amusement Centres
- AS1 General Development Requirements (Access and Transport)
- AS7 Aerodrome Safeguarding

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

10.5.1 The Blackpool Local Plan Part 2 (Part 2) was the subject of independent Examination in Public in December 2021. The Inspector has now issued his comments. As such, weight can be attached to the emerging policies in accordance with the provisions of paragraph 48 of the NPPF. The following emerging policies in Part 2 are most relevant to this application:

- DM14 District and local centres
- DM15 Threshold for impact assessments
- DM17 Design principles
- DM20 Extensions and alterations
- DM21 Landscaping
- DM22 Shopfronts
- DM36 Controlling pollution and contamination
- DM41 Transport requirements for new development
- DM42 Aerodrome safeguarding

10.6 **Other Relevant Policy Guidance**

10.6.1 Blackpool Council declared a Climate Change Emergency in June 2019 and are committed to ensuring that approaches to planning decision are in line with a shift to zero carbon by 2030.

10.6.2 Blackpool Council adopted the Blackpool Green and Blue Infrastructure (GBI) Strategy in 2019. The GBI Strategy sets out six objectives for Blackpool in terms of green infrastructure:

- Protect and Enhance GBI i.e. protecting the best and enhancing the rest
- Create and Restore GBI i.e. greening the grey and creating new GBI in areas where it is most needed
- Connect and Link GBI i.e. making the links, improving connectivity and accessibility of GBI
- Promote GBI i.e. changing behaviour, promoting the benefits of GBI and encouraging greater uptake of outdoor activity and volunteering.

10.6.3 National Model Design Code (July 2021) provides guidance to promote successful design and expands on the ten characteristics of good design set out in the National Design Guide.

10.6.4 National Design Guide (January 2021) recognises the importance of good design and identifies the ten characteristics that make up good design to achieve high quality places and buildings. The guide articulates that a well-designed place is made up of its character, its contribution to a sense of community and its ability to address the environmental issues affecting climate.

10.6.5 The Environment Act 2021 makes provision for all planning permissions to be conditional on the provision of biodiversity net gain. Whilst there is, as yet, not requirement set out in statute, the Government's clear intention is a material planning consideration. The Council will therefore seek to secure biodiversity net gains where practicable in advance of this becoming a statutory requirement.

11.0 ASSESSMENT

11.1 Principle

11.1.1 Festival Leisure Park is not allocated for any particular type of development in the Development Plan, nor is it a designated site forming part of Blackpool's retail hierarchy. It is not within the Town Centre nor the Resort Core. However, Festival Leisure Park is a long standing leisure site which has grown around its cinema anchor since the 1980's. It is approximately 300m from the southern Town Centre boundary so could be considered as being 'edge of centre' as described by Annex 2 of the NPPF, although the walking distance between the town centre boundary and the closest pedestrian entrance to the site is around 340m.

11.1.2 Leisure uses such as those proposed in the Statement of Intent are main town centre uses as described in the NPPF. Part 7 of the NPPF and Policy CS4 of the Core Strategy seek to direct such uses to the town centre, and to the designated district and local centres across Blackpool. CS4 also permits certain town centre uses in the Resort Core where such development is a tourism attraction. Policy CS4 only permits edge of centre and out of centre locations for town centre uses where there are no more centrally located/sequentially preferable and appropriate sites, the proposal would not cause significant adverse impact on existing centres, the proposal would not undermine regeneration proposals and the proposal would be accessible by sustainable transport modes.

11.1.3 Emerging Policy DM15 requires proposals within 800m of a local centre and with more than 200sqm of floorspace to undertake a Retail Impact Assessment.

11.1.4 The aim of these policies is to protect the Town Centre and other designated centres from unacceptable impacts from new development in out-of-centre locations. In order to address these policy requirements, the applicant has undertaken a sequential appraisal and impact assessment.

11.1.5 The applicant intends to extend the existing mezzanine by 992sqm, creating a total floorspace of 5,788sqm. Given that the mezzanine would be for leisure use and not retail use, this is not classed as development but the total proposed floorspace is relevant to the sequential appraisal and impact assessment.

Sequential Test

- 11.1.6 The sequential test guides main town centre uses towards in-centre locations first, then, if no in-centre locations are available, to edge-of-centre locations and, if neither town centre locations nor edge-of-centre locations are available, to out-of-centre locations (with preference for accessible sites which are well connected to the town centre).
- 11.1.7 The area of search and the scale and parameters of the sequential test were agreed with officers during the pre-application stage and flexibility has been applied in line with the PPG. In order for a sequentially preferable site to be suitable for the proposed leisure use, it must be an existing building with an open plan layout and flexible floorspace of around 5,788sqm (+/- 10%), adjacent land for servicing and 132 car parking spaces.
- 11.1.8 The sequential test covers the Town Centre, Resort Core, all of the district centres and Central Drive Local Centre. This is considered acceptable as the scale of the use would be inappropriate in a local centre. Sites assessed include:
- 11.1.9 The former Debenhams store in Houndshill: This unit is too large at 9,397 sqm and talks are ongoing between with a prospective new tenant and so this property is unsuitable and unavailable.
- 11.1.10 26-32 Market Street (former BHS basement): This unit is too small (2,098sqm) and doesn't have the required large open plan floor plate or dedicated parking, although a leisure use in the Town Centre would not normally have its own dedicated parking, the applicant considers this unit to be unsuitable. Given the size of the unit the discounting of this unit is acceptable.
- 11.1.11 Former Poundland on the Promenade/Market Street: This unit is too small (3,077sqm) and the floorspace is split across four levels and doesn't have the large open floor plate required and is therefore unsuitable.
- 11.1.12 Showroom at 11-13 General Street: This unit is too small (2,050 sqm) and the floorspace is split across four levels, has low ceiling heights and doesn't have the large open floor plate required and is therefore unsuitable.
- 11.1.13 Former Syndicate site: This site is a car park and is allocated in the emerging Local Plan Part 2 as a discount food store and multi-storey car park. This site is therefore unsuitable and unavailable for the proposal.
- 11.1.14 Former No 1 Working Men's Club at 5-17 Bloomfield Road: This is currently operating as "The Armfield Club" and is not available.
- 11.1.15 429-437 Promenade: The site is too small at 0.12ha and work has commenced on site to develop a hotel, although work has stalled. This site is unavailable and unsuitable.
- 11.1.16 Land at 2C Ball Street: The site is too small at 0.06ha, the residential roads would be unsuitable to carry the volume of traffic visiting the facility and a residential development has now been delivered. The site is therefore unsuitable and unavailable.
- 11.1.17 Former casino at 74 Bloomfield Road: the building has recently been brought into use as a video arcade and gaming centre and is therefore unavailable.

- 11.1.18 Former Woolworths/ Hartes building at 7-11 Bond Street: The building is subject to development proposals and is therefore not available. The building is in extremely poor condition and it would not be feasible for the applicant to repair and refurbish this locally listed building. The building is also too small with just 1,080 sqm and is therefore unsuitable.
- 11.1.19 Former Post Office at 20-32 Waterloo Road: This building doesn't appear to be up for sale or for lease and is too small, with floorspace of no greater than 1,500 sqm. The site is therefore not available or suitable.
- 11.1.20 The sequential test concludes that there are no sequentially preferable sites for the leisure use that are suitable and available within Blackpool Town Centre, the Resort Core or any of the district centres, or Central Drive Local Centre which could accommodate the proposal.
- 11.1.21 Officers raised the Blackpool Central site as sequentially preferable site for a range of leisure uses. A supporting statement indicates that the Odeon's lease expires in June 2023 and that, subject to planning approval, the proposed leisure use could be in operation within 6-12 months of that date, if not sooner. The applicant has stated that the Blackpool Central site only has outline permission (21/0517 refers) and that the developers have up to June 2026 to submit a reserved matters application. Blackpool Central will be built out in phases and there are also a large number of conditions to discharge. Considering the length of time it will take the leisure floorspace to be built and become available, the applicants consider that the leisure floorspace would not be operational for a number of years and is therefore unavailable for the purposes of the sequential test. Officers agree with this conclusion.
- 11.1.22 As originally submitted, the proposal included four independent food and drink units and officers were concerned that these units were not ancillary to the main leisure use and had not been reasonably disaggregated for the purposes of the sequential test. The main concern was that the four small units could be accommodated in centre and, given the number of units and their small scale, could divert custom from the nearby Central Drive Local Centre. However, the applicant has amended the scheme so that two larger food and drink units are now proposed (Unit 1 - 377sqm and Unit 2 - 288sqm), which are of a scale that is unlikely to be accommodated in the Central Drive Local Centre and are now more appropriately scaled to the leisure use.
- 11.1.23 Given the scale of vacancies currently experienced in the Town Centre, two larger food and drink units could be accommodated in the Town Centre. However, it is likely that the future food and drink operators would be attracted to the leisure park because of the new leisure use and the same catchment would not be met in the Town Centre. As such, Officers have accepted that in this instance, these two larger units do not need to be disaggregated from the main leisure use, for the purposes of the sequential test. As a result and overall, it is accepted that the sequential test has been satisfied.

Impact Assessment

- 11.1.24 The purpose of the Impact Assessment is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment. The test relates to retail and leisure developments (not all main town centre uses) which are not in accordance with up to date plan policies and which would be located outside existing town centres.
- 11.1.25 The applicant asserts that the fall-back position is that the cinema is upgraded to an Odeon 'Luxe' which would then compete with and draw trade from the cinema proposal being

developed in the Town Centre and therefore, the loss of the cinema at Festival Leisure Park would have a positive impact on the town centre's vitality and viability and this committed public and private sector investment. However, it is assumed that the developers of the new Town Centre cinema were confident that a use could operate successfully in the Town Centre alongside other existing cinema operators on the Fylde Coast and so this argument does not hold significant weight in the planning balance.

11.1.26 The primary concern in terms of impact of the proposed leisure use is the extent to which the use is likely to undermine planned development at the Blackpool Central site, which gained outline planning permission in 2021 for a range of leisure uses (21/0517 refers). The Blackpool Central site has its own policy in the Core Strategy (CS20 – Leisure Quarter) for major leisure development of national significance which will provide a compelling new reason to visit Blackpool. The Blackpool Central site is one of Blackpool's most strategically important development sites and is critical for economic growth and will be a catalyst for wider resort and town centre regeneration, and its southern boundary is only approximately 300m away from Festival Park.

11.1.27 A supporting statement confirms that Blackpool Central will be an indoor theme park and will be of a significantly greater scale (23,000sqm) and target a national audience whereas the family entertainment centre proposed (5,788sqm of floorspace) would have a more local market.

11.1.28 In terms of the range of uses at Blackpool Central, a Statement of Intent for that outline application, confirmed that Blackpool Central will accommodate three indoor theme parks, with a mix of rides, games, experiences and shows in a themed environment, a flying theatre and an indoor adventure sports hub featuring a Rollglider (a free falling and hand gliding sensation); rope courses; adventure trail; quick jump and climbing walls. That Statement also confirms that the Theme Park will have significant theming and a strong sense of adventure and storytelling rather than the basic equipment found in family entertainment centres.

11.1.29 The Statement of Intent which supports this application, confirms the range of potential leisure uses proposed including bowling; trampolining; climbing walls; crazy golf; arcade and video games; darts; snooker; lazer quest; 'ninja warrior' type facility; painting and arts and crafts; indoor sport such as 5 a side football, tennis or badminton and rollerblading and roller skating. This Statement specifically precludes adventure sports such as zip wire, high ropes, hand gliding or bouldering and confirms that the building would be a family entertainment centre and not an indoor amusement centre or theme park, multi-media centre, museum or theatre. The applicant is willing to accept a condition that restricts the range of leisure uses to those specified in the Statement of Intent.

11.1.30 There is some overlap in the uses proposed in terms of climbing wall provision, nonetheless on balance, subject to a restrictive condition alluded to above, the leisure use would not have an adverse impact on the planned investment at Blackpool Central.

11.1.31 The town centre does include a leisure offer in the form of the theatres, amusement arcades, gyms, bowling alley and uses such as Coral Island. The wider Resort Core also contains the main leisure attractions aimed at tourists. It is possible that the proposed leisure use could draw trade from these uses and thereby impact on the health of the town centre and the character and function of the Resort Core. The only comparable use in the Town Centre is the bowling alley above Revolution on the Promenade and although it is believed that the bowling alley is still trading, the building itself is currently on the market and so its future is uncertain. The amusement arcades and family leisure uses on the

Promenade are primarily targeting the tourism market and are of a smaller scale than the proposed leisure use, which is not considered to be a tourist visitor attraction. On this basis, no significant or unacceptable trade draw from the existing Town Centre and Resort Core leisure sector is anticipated.

11.1.32 The proposed food and drink units would primarily serve the leisure park itself and given the assessment in paragraph 11.12 above it is not anticipated that they would compete with or undermine the Town Centre or nearby local centre.

11.1.33 Given that general retail and food and drink uses all now fall within Use Class E, it is considered necessary to impose a condition which restricts the use of the proposed food and drink units to the sale of food and drink only rather than general retailing. Subject to such a condition, it is not anticipated that the food and drink units would have a material impact on the vitality and viability of the Town Centre, Resort Core or district and local centres.

Sustainable transport

11.1.34 The site is close to bus routes on Central Drive and the applicant has submitted amended plans which include 13 electric vehicle charging points which would serve the new leisure use and the wider park and has made a commitment to installing more as demand increases. Cycle parking is proposed along with motor bicycle parking and the detailed design of these features to ensure that this provision is secure can be agreed by condition. As such, the site would be accessible by sustainable transport modes.

11.1.35 In light of the above and on balance, it is considered that the proposed leisure use and two food and drink units are acceptable in principle.

11.2 Design and Visual Impact

11.2.1 Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 confirms that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 states that development that is not well designed should be refused.

11.2.2 Policy CS7 makes it clear that new development in Blackpool must be well-designed and enhance the character and appearance of the local area. Similarly saved Policy LQ1 requires all new development to be of a high standard of design and to make a positive contribution to the quality of the surrounding environment. Emerging Policy DM17 also requires development to be of high quality and includes further detailed design requirements.

11.2.3 A number of concerns regarding the design of the front elevation were raised by officers and amended plans have been submitted in response. The proposal is to re-use the existing building and so there is no opportunity to do a full scale re-design. Nonetheless, the introduction of glazed shopfronts will provide an active frontage, some animation and add interest to the front elevation which is currently solid and impenetrable other than the main entrance feature.

- 11.2.4 Other than the vertical projections either side of the main entrance, the upper floor is currently over clad with few architectural details and appears solid, bulky and top heavy.
- 11.2.5 The amended design proposed for the front elevation, uses the existing brick piers which are currently visible at ground floor level, over clads them and takes them up full height to create ordered bays along the front elevation, to help reduce the bulk of the upper floors and break up the massing. Above the new glazed shopfronts and within each newly created bay, a triangular cladding system with protruding triangular windows with a contrasting trim would be installed, adding depth, texture and visual interest to the upper floors and introducing a vertical and horizontal rhythm which currently does not exist. There is an existing heavy and solid canopy which runs along the front elevation and it is proposed that this is replaced by a brise soleil sun canopy within each bay, protruding over the glazed shopfronts which would serve to further define each bay.
- 11.2.6 The main entrance is currently defined by two tall vertical brick turrets and it is proposed to render over this brickwork and pick out the existing windows and doors in a contrasting colour.
- 11.2.7 There are design limitations in re-using such a large, purpose built cinema. Nonetheless, the main front elevation as amended is well designed and applies the design principles set out in emerging Policy DM17. The north, east and west elevations would simply receive replacement cladding and would be refreshed. Appropriate materials, including the colour scheme could be agreed by condition. The details of any external lighting proposed could similarly be agreed by condition.
- 11.2.8 There is an existing compound to the rear which houses plant and bins. This would be refreshed and some plant upgraded but the area would not be expanded and so would not impact on visual amenity.
- 11.2.9 The works in the car park to include charging points, cycle stands and motor bike spaces would have limited visual impact. Overall, the proposals would improve the design of the front elevation significantly and the other elevations would be refreshed. The design of the front elevation would have a positive impact on visual amenity when viewed from within Festival Leisure Park and Rigby Road.

11.3 Impact on residential amenity

- 11.3.1 Festival Park is an established leisure destination and so it is reasonable to assume that local residents are accustomed to a higher level of noise and activity than would be expected in a more typical residential area. Nonetheless, a Noise Assessment has been submitted which concludes that the design of the current structure will ensure no adverse impact on the nearby noise sensitive properties from internal operations.
- 11.3.2 The Noise Assessment recommends that any new plant in the external plant compound is designed so that it does not exceed 85.5dB(A) at a distance of 1m. The Noise Assessment does not suggest limiting the hours of operation and given that use would be as a family entertainment centre and would be conditioned as such, it is not anticipated that the use would generate any unacceptable levels of noise early in the morning or late at night. A condition requiring that the development proceeds in accordance with the recommendations in the Noise Assessment would safeguard the amenities of nearby residents in terms of noise nuisance.

- 11.3.3 No new windows would be installed on the side or rear elevations and the new windows on the upper floor on the front elevation would be over 90m away from the nearest property on Rigby Road. As such, there would be no impacts on residential amenity in terms of overlooking or loss of privacy.
- 11.3.4 The bin store is also located in the rear compound and is unlikely to have an adverse impact on nearby residents in terms of smells or fumes.
- 11.3.5 As set out above and subject to conditions, it is not anticipated that the proposal would result in any unacceptable impacts on residential amenity.

11.4 Access, highway safety and parking

- 11.4.1 Vehicular access to the site is currently taken from Rigby Road between Frankie and Benny's and the emerging Bingo Hall. However, as part of the planning application for the Bingo Hall (18/0202 refers) it was agreed that the vehicle access is to be relocated to the west, between McDonalds and the fenced off area where the additional drive thru is to be located. This arrangement is shown on the proposed site layout plan which accompanies this planning application and the agent has confirmed that work is due to start on relocating the access on the 18 July 2022. It is anticipated that these works would take around five weeks to complete.
- 11.4.2 As a result of comments from the Head of Highways and Traffic Management, the scheme has been amended to include an additional motorcycle parking area (four in total to serve the park) and cycle storage. A condition is necessary to agree these details.
- 11.4.3 The car park layout has also been amended to include 13 EV charging points and a condition requiring that these are implemented in advance of the development being brought into use is considered necessary.
- 11.4.4 Appendix D2 in the Blackpool Local Plan, Part 2: Site Allocations and Development Management Policies document requires the submission of a Travel Plan for leisure uses with more than 1,000 sqm of floorspace and this should be secured by condition.
- 11.4.5 The site is accessible by public transport and subject to the conditions suggested above, the site would be accessible by sustainable modes of transport as required by Saved Policy AS1 and emerging Policy DM41.
- 11.4.6 In terms of car parking, there are currently 497 car parking spaces. The proposed site layout plan reduces the number of spaces to a total of 486, comprising 431 standard bays, 13 EV charging bays and 42 accessible spaces. The reduction in numbers is as a result of the inclusion of the EV charging bays which are wider than a standard space. Given that this proposal is a change of use from type of leisure use to another, and that the car parking layout generally has been found to be acceptable as part of the Bingo Hall application, it is not considered that there would be a material impact on car parking demand or trip generation.
- 11.4.7 A condition requiring the submission and agreement of the servicing arrangements is considered necessary, to ensure that the proposed leisure use and the two food and drink units can be serviced safely and in the interest of residential amenity.

11.4.8 In light of the above and subject to the imposition of appropriate conditions, no unacceptable impacts relating to the access, highway safety or parking are anticipated.

11.5 Other Issues

11.5.1 The vast majority of the site falls within flood zone 1, although the road network around the site other than Seaside Way, is either flood zone 2 or 3. A small section of flood zone 2 penetrates the site to the rear and west of Bannatynes. As such, the use proposed would fall within flood zone 1 meaning that there is no requirement for the developer to demonstrate compliance with the sequential or exceptions tests. In any case, the proposal would change one leisure use with another and would not constitute a more vulnerable use classification for the purposes of flood risk. Drainage would not be affected. As such, no flood risk issues are identified.

11.5.2 The application form indicates that the existing cinema has 40 employees (total full time equivalent) and the proposed leisure use would result in more than double that number of full time equivalent jobs. Without an end user and further details as to the uses that will come forward and the floorspace given over to each use, it is difficult to confirm accurately the number of jobs that the proposed use would generate. However, with two independent food and drink uses and a range of different activities on the site, it is fair to assume that there would be more jobs as a result of the proposal than the existing number. Given the recognised problems relating to deprivation and employment within Blackpool, this consideration weighs in favour of the scheme.

11.5.3 The proposal involves the re-use of the cinema building and would not involve the loss of landscaping or habitat features. As such, no unacceptable impacts on biodiversity are anticipated.

11.5.4 The proposal would not break ground and so there would be no unacceptable environmental impacts, on air, water or land quality and there are no heritage assets on or immediately around the site.

11.5.5 The applicant has stated that the use proposed would encourage healthy and active lifestyles. Festival Park is already well served by food and drink uses and the proposal includes two additional food and drink units. In order to assist the Council in achieving its health priorities and its declaration on healthy weight, an informative should be included on the decision notice, advising the applicant how the operators of these additional food and drink can sign up to the Healthier Choices Award.

11.5.6 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).

11.5.7 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.

11.5.8 Through the assessment of this application, Blackpool Council as a public authority has had due regard to the Public Sector Equality Duty ("PSED") under s.149 of the Equality Act and the need to eliminate unlawful discrimination, advance equality of opportunity between

people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The application is not considered to raise any inequality issues.

12.0 Sustainability and planning balance appraisal

- 12.1 Sustainability comprises economic, environmental and social components.
- 12.2 Economically the scheme would represent inward investment into the town and job creation, although some employment would be lost through the loss of the cinema. The proposal would satisfy the sequential test and no significant adverse impacts on existing centres or planned development are anticipated. On this basis the scheme is considered to be economically sustainable.
- 12.3 Environmentally no ecological issues are anticipated and the development would not be expected to unacceptably impact upon air, land, water quality or drainage. Following the amendments made to the design of the front elevation, the design of the proposal is considered to be acceptable. The proposal is considered to be environmentally sustainable.
- 12.4 Socially it is considered that adequate safeguards could be put in place to ensure that the development would not have an unacceptable impact on residential amenity. Although some parking spaces would be lost, the resulting provision would be adequate to serve the uses on site and the provision of Electric Vehicle charging points and cycle stands would mean that the development could be accessed by sustainable modes of travel. On this basis, no unacceptable impacts on highway safety are anticipated. The development would not be at undue risk from flood risk and would not exacerbate flood risk off site. As set out above, the development would satisfy the sequential test and no unacceptable impact on the health of existing centres is anticipated. As such, the role and function of the centres in the borough's established retail hierarchy as community hubs would be safeguarded. As such, the scheme is considered to be socially sustainable.

13.0 FINANCIAL CONSIDERATIONS

- 13.1 The uses proposed would generate business rates. As such, there is potential for the Council to benefit indirectly through an increased business rates receipt. However, this consideration has no weight in the planning balance.

14.0 CONCLUSION

- 14.1 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

15.0 RECOMMENDATION

- 15.1 Members are respectfully recommended to resolve to grant planning permission subject to the conditions listed below, and to delegate authority to the Head of Development Management to issue the decision notice, once the statutory 21 day consultation period expires.

- 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:

Location plan recorded as received by the Council on 23/05/2022

Proposed site layout plan ref. 7672.4-BOW-A0-00-DR-A-1003 Revision C

Proposed elevations plan ref. 7672.4-BOWZ-A3-XX-DR-A-3001 Revision B

Proposed ground floor plan ref. 7672.4-BOW-A3-00-DR-A-2001 Revision B

Proposed first floor plan ref. 7672.4-BOW-A3-01-DR-A-2002 Revision B

Cross section plan ref. 7672.4-BOW-A3-ZZ-DR-A-4001 Revision 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the leisure use (ie non-food and drink) hereby approved shall accord with the Statement of Intent recorded as received by the Council on 18 May 2022, unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the leisure uses on site do not impact on existing, committed and planned public and private investment in the Leisure Quarter (Core Strategy Policy CS20) and to safeguard the vitality and viability of the Town Centre in accordance with Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policy BH15 of the Blackpool Local Plan 2001-2016.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the leisure floorspace hereby approved shall be used for indoor sport, recreation or fitness under Use Class E(d) only and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the vitality and viability of the Town Centre in accordance with Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policy BH15 of the Blackpool Local Plan 2001-2016.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the two food and drink units hereby approved shall be used to serve food and drink only (Use Class Eb) and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the vitality and viability of the Town Centre in accordance with Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Saved Policy BH15 of the Blackpool Local Plan 2001-2016.

- 6 The external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any external alterations and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policies LQ1 and LQ14 of the Blackpool Local Plan 2001-2016 and emerging Policy DM17 of the Blackpool Local Plan, Part 2: Site Allocations and Development Management Policies document.

- 7 Prior to the development hereby approved being first brought into use, the EV charging/parking provision shown on the approved plan shall be provided and shall thereafter be retained as such.

Reason: In order to ensure that adequate EV charging provision is available to meet the needs of the development, to facilitate the transition to more sustainable, low carbon modes of transport and in the interests of highway safety in accordance with Policy CS10 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policy AS1 of the Blackpool Local Plan 2001-2016 and emerging Policy DM41 of the Blackpool Local Plan, Part 2: Site Allocations and Development Management Policies document.

- 8 Before the development hereby approved is first brought into use:

(a) details of cycle storage provision to include the type of cycle stand and the form and materials of a waterproof cover and enclosure shall be submitted to and agreed in writing by the Local Planning Authority; and

(b) the cycle storage agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details.

(c) details of the motorcycle parking provision in terms of the number of spaces and standards shall be submitted to and agreed in writing by the Local Planning Authority: and

(d) the motorcycle parking provision agreed pursuant to part (c) of this condition shall be implemented in full and in full accordance with the approved details.

Reason: In order to encourage travel to and from the site by a sustainable transport mode and to ensure there is sufficient and secure provision for the parking of motorcycles in accordance with Saved Policy AS1 of the Blackpool Local Plan 2001-2016 and emerging Policy DM41 of the Blackpool Local Plan, Part 2: Site Allocations and Development Management Policies document.

- 9 The development hereby approved shall proceed in full accordance with the recommendations in the submitted Noise Assessment dated November 2021.

Reason: In order to safeguard the living conditions of nearby neighbours in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policy BH3 of the Blackpool Local Plan 2001-2016 and emerging Policy DM36 of the Blackpool Local Plan, Part 2: Site Allocations and Development Management Policies document.

- 10 Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, Saved Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and emerging Policy DM36 Blackpool Local Plan, Part 2: Site Allocations and Development Management Policies document.

- 11 (a) The development hereby approved shall not be brought into use until a travel plan has been submitted to and agreed in writing by the Local Planning Authority.

The travel Plan shall include:

- appointment of a travel co-ordinator
- proposals for surveying
- production of travel audits
- establishment of a working group
- an action plan
- timescales for implementation
- targets for implementation

(b) The development hereby approved shall then proceed and be operated in full accordance with the approved Travel Plan.

Reason: In order to encourage travel to and from the site by sustainable transport modes in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

- 12 Prior to the development hereby approved being first brought into use, details of how the uses hereby approved would be serviced shall be submitted and agreed in writing by the Local Planning Authority. The servicing of the site shall then only take place in accordance with the approved details.

Reason: In order to ensure that the site can be accessed and serviced safely and in the interests of residential amenity in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and saved Policies AS1 and BH3 of the Blackpool Local Plan 2001-2016.

ADVICE NOTES TO DEVELOPERS

1. In order to assist the Council in meeting its health priorities and its declaration on healthy weight, the applicant and any future operators of any element of the development may wish to consider signing up to the Council's Healthier Choices Award.

<https://www.blackpool.gov.uk/Business/Business-support-and-advice/Healthier-Choices-Award.aspx>