



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, Caunce 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, Caunce 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 Hounds Hill 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