



Appeal Decision

Hearing held on 4 September 2024

Site visit made on 4 September 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th of September 2024

Appeal Ref: APP/J2373/W/24/3344488

Festival Leisure Park, Rigby Road, Blackpool FY1 5EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Austringer Capital Limited against the decision of Blackpool Council.
 - The application Ref is 23/0511.
 - The development proposed is external alterations to Unit 1 (the former Odeon building) including installation of roller shutters and a canopy to rear following the demolition of an existing bin store and use of Unit 1 as altered as a self-storage unit (Class B8), addition of a drive-thru lane to Unit 3 (the former Frankie and Benny's), additional drive-thru lane at Unit 5 (McDonalds) installation of a pedestrian access ramp off Rigby Road and alterations to the car parking layout.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of development given on the appeal form and the Council's decision notice. That description accurately describes the revised proposal and has been agreed by the parties.
3. Prior to the hearing the Council submitted additional evidence outlining areas of dispute between the parties, including matters relating to tree provision. The appellant responded to that information before the hearing. In addition, prior to the hearing the appellant submitted an email from the prospective tenant of Unit 1 confirming that the proposal would not be a relocation from their existing facility, but an additional one. The Council did not object to this information being considered and had the opportunity to respond to it. Given this, no prejudice would occur to anyone by me accepting this additional evidence.
4. During the hearing there was a discussion regarding changes to some of the suggested conditions set out in the Statement of Common Ground. I allowed time following the close of the hearing for the appellant and the Council to agree and submit a form of words for these conditions.

5. There are several elements to the appeal proposal, as set out in the description of development. The Council does not object to the proposed operational development works and these benefit from a subsequent planning permission¹. Therefore, consistent with the cases made by the appellant and the Council, my decision has focused on an assessment of the acceptability of the proposed use of Unit 1 for self-storage purposes.

Main Issue

6. The main issue is whether the site is a suitable location for the proposed use having regard to the development plan strategy relating to employment uses and the Council's regeneration objectives for the area.

Reasons

7. The appeal site is a long-standing leisure park located to the south of the town centre and the resort core. It is anchored around the former cinema (Unit 1) which is centrally located on the leisure park. The cinema ceased trading in June 2023 and the unit has since been vacant. Other uses on the leisure park comprise a fitness centre, bingo hall, restaurants and a coffee shop. There are extensive areas of shared car parking on the site, with access obtained from Rigby Road. The area surrounding the site is predominantly residential in character, though there are also some commercial premises nearby such as the fast-food restaurant on the corner of Rigby Road and Salthouse Avenue.
8. The site is located between the Revue and Foxhall Inner Area Neighbourhoods, as designated on the adopted Policy Map. In the Inner Area the focus of Policies CS1 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (CS) is on residential and community led regeneration. These policies do not, however, preclude employment development of the type proposed.
9. CS Policy CS3 supports sustainable economic development and promotes land in South Blackpool as a strategic priority to help strengthen the Fylde Coast economy and contribute towards meeting future employment needs. It seeks to safeguard around 180 hectares of existing industrial/business land for employment use and enhance these sites with new employment development on remaining available land and through redevelopment opportunities. CS Policy CS24 is supportive of employment growth in South Blackpool, including major business/industrial development, in principle, at sustainable locations.
10. Policies DM7 and DM8 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (2023) (SADMP) are concerned with the provision of employment land and sites, and development within the Blackpool Airport Enterprise Zone. They support strategic employment development on employment land and sites.
11. The proposal would provide 12,232m² of Class B8 floorspace. The Council asserts that this would be of a strategic scale and should be on employment land, which the appeal site does not fall within. CS Policies CS1, CS3, CS12 and CS24 and SADMP Policies DM7 and DM8 do not require employment uses to be located only on allocated employment land. Nor do they specifically resist the proposed storage use on this site. However, these policies clearly seek to direct large scale industrial and storage developments towards employment land or

¹ Council ref. 23/0879

employment sites in sustainable locations in accordance with the Council's spatial strategy for employment uses which has been found robust through the development plan process.

12. The proposal would be of a substantial scale that could be expected to serve a large area and it is reasonable in my view that it should be located on allocated employment land and sites which are more accessible to the strategic road network. That would support the Council's aim to enhance and redevelop its employment land. Although I accept that the proposal is a very specific Class B8 use, it would nevertheless result in a large-scale employment use on an established leisure park, contrary to the plan-led strategy for Blackpool which seeks to direct such development to allocated employment land and sites.
13. I note the correspondence from the prospective tenant of the unit, which confirms that the proposal would be a new storage facility in addition to their existing premises on Clifton Road, rather than a replacement of it. However, there would be nothing to prevent the closure of the Clifton Road site once the appeal proposal became operational, which in turn could affect the viability of that employment site.
14. At the hearing the appellant's marketing agent set out that the site has been marketed for around two years. Cinema companies were initially targeted followed by smaller leisure operators. It was put to me that there was limited demand and no firm interest from leisure operators, but not that there was no demand or interest. There is little detailed evidence before me in terms of the viewings that took place, the precise details of the interest received or whether the premises was marketed at a reasonable rate. Furthermore, advertising boards were not used on the site as part of the marketing campaign. While I understand that the marketing of a premises such as this would be expected to be conducted mainly on the internet and cannot simply rely on advertising boards, their use may have been beneficial in this case given the leisure and entertainment businesses operating in the area.
15. Consequently, I cannot be satisfied that the marketing exercise demonstrates that there is no prospect of the unit being used for leisure purposes or that the proposed use is the only viable one. It was put to me that the consequence of not allowing the proposal is that the building will become a long-term vacant unit. There is no compelling evidence before me in this regard, particularly given my conclusion on the adequacy of the marketing exercise.
16. I am mindful of paragraph 127 of the National Planning Policy Framework (the Framework) which sets out that a positive approach should be taken to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.
17. Although the Council says that a need for self-storage use at such a large scale in this location has not been demonstrated, the development plan policies do not require a sequential approach to site selection for this type of use or an assessment of need to be demonstrated. That said, the appellant contends that there is an under supply of self-storage uses within Blackpool taking into account the lower supply of self-storage uses within the Borough compared to the national average. To my mind that does not indicate an inherent need for the facility as there may be a lower demand for this type of use in the Borough,

and the Council has identified sufficient employment land to meet likely demand through the development plan process.

18. The appellant says that the proposal would be well located in terms of visibility and its relationship to residential and commercial premises, including those in the town centre. However, there is no convincing evidence before me to indicate an overriding need for the facility in this location or why any such need cannot be on employment land and sites. Moreover, the prospective tenant secured planning permission for an extension to their premises in 2023, but this has not been implemented. That does not support the view that there is an overwhelming need for additional self-storage floorspace.
19. Given its very substantial size and central position it is likely Unit 1 plays an important role in terms of the viability of the leisure park and has the potential to support regeneration of the Inner Area. The self-storage use would operate very differently to the cinema use and neighbouring leisure uses. It would be unlikely to generate high levels of activity and footfall in the way that leisure use of the building would. This is corroborated by the appellant's transport statement which shows that the self-storage use would generate substantially fewer vehicle trips than the cinema use and would be significantly less active throughout the day including in the evening.
20. Moreover, only a small number of individuals would be employed on the premises and most of the activity associated with the use, including the loading and unloading of items, would likely be via the loading bays to the rear of the premises, which is the less public side of the building, the front of which would not lend itself to such purposes.
21. That lack of activity including to the front of the building means that the proposed use would not contribute meaningfully to an active frontage on the leisure park and would be out of character with the other uses on the park. While I accept that the site is not protected for a specific purpose within the development plan, given the nature of the proposed use I conclude that it would not contribute positively to the viability of the leisure park or to the Council's aims for the Inner Area which are focused on residential and community led regeneration, rather than on storage use that in this case would not complement its surroundings.
22. While I note the appellant's reference to storage type developments that have been permitted elsewhere in the country, there is not sufficient information before me as to the details of those proposals, including their surrounding context, planning history and policy background. Accordingly, I am not satisfied that they are comparable to the appeal proposal and they do not justify it.
23. For the above reasons I conclude that the proposal would undermine the development plan strategy relating to employment land and attracting employment investment and growth to those areas. It would also be contrary to the Council's regeneration objectives for the Inner Area and would undermine a sense of place. The site is not, therefore, a suitable location for the proposal and does not represent sustainable development. I afford this significant weight in my decision. The proposal would conflict with CS Policies CS1, CS3, CS12 and CS24 and SADMP Policies DM7 and DM8, the aims of which are set out above. It would also conflict with the Framework, including paragraphs 86 and 135, which require planning policies to set out a clear

economic vision and strategy which positively encourages sustainable economic growth, and ensure that development functions well and adds to the overall quality of the area.

Other Matters

24. There was a discussion at the hearing about the Council's suggestion of a temporary planning permission for the proposed storage use of Unit 1, as a 'meanwhile' use. However, the appellant says that this would be cost prohibitive from an investment perspective and would not provide the long-term certainty that they require. Based on the evidence such a temporary permission would not overcome the harm I have identified above.
25. There is a dispute between the parties over the level of tree planting that should be provided on the site with reference to the requirements of the Greening Blackpool Supplementary Planning Document. As I am dismissing the appeal for the reasons set out above, it has not been necessary for me to consider this matter further.

Planning Balance and Conclusion

26. The proposal would provide storage space for businesses and residents and deliver about five employment positions on the site as well as supporting other employment in an area where there is a lower employment rate and higher level of deprivation than the national average. However, I am not persuaded that there is a specific need for the development in this particular location and these benefits could also be realised from such development taking place on allocated employment land or existing employment sites.
27. The appellant contends that the re-use of the vacant building would improve its appearance and reduce possible anti-social behaviour. At the time of my visit, the site did not have a particularly unkempt appearance that detracted unduly from the area. There is no evidence to suggest that the site would be at increased risk of criminal or anti-social behaviour in the absence of the development taking place. The re-use of the building for self-storage purposes, rather than the construction of a new build facility, would reduce the need for new materials to deliver the development. It would also potentially reduce carbon emissions and provide a biodiversity net gain from the new landscaping.
28. I attach moderate weight to the benefits of the scheme. Having taken all matters into account, I conclude that the benefits would not outweigh the harm I have identified or the conflict with the policies I have referred to.
29. The proposed development would be contrary to the development plan as a whole and there are no material considerations to suggest a decision other than in accordance with it. Therefore, I conclude that the proposal is unacceptable and the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Sobic	Planning Director, Savills (UK) Limited
Mark Proudlove (by video link)	Director, Barker Proudlove Limited

FOR THE LOCAL PLANNING AUTHORITY:

Killian Garvey	Counsel, Kings Chambers
Clare Johnson	Principal Planner
Susan Parker	Head of Development Management