

COMMITTEE DATE: 05/07/2016

Application Reference: 16/0171

WARD: Waterloo
DATE REGISTERED: 18/04/16
LOCAL PLAN ALLOCATION: Coast and foreshore
Defined Inner Area

APPLICATION TYPE: Full Planning Permission
APPLICANT: The Blackpool Pier Company

PROPOSAL: Erection of a log flume ride on land adjacent to the north side of South Pier.

LOCATION: SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB

Summary of Recommendation: Grant Permission

CASE OFFICER

Mr Gary Johnston

SUMMARY OF RECOMMENDATION

The proposal has a number of tensions with policies in the Blackpool Local Plan (RR1 and RR4) and the Blackpool Local Plan Part 1: Core Strategy (CS21). However, it is felt that the improvements to the existing pier justify supporting the temporary relocation of ride for a period of 18 months. In addition it is felt that a restriction on the hours of operation of the ride (8am to 8pm) would mitigate the concerns raised by a local resident and a local hotelier (Policy BH3 of the Blackpool Local Plan and Policy CS7 the Blackpool Local Plan Part 1: Core Strategy)

INTRODUCTION

There are areas of land to the north and south of both Central Pier and South Pier that fall within the ownership of the owners of the piers. The use of these areas of land is always going to require planning permission. In the past rides have appeared on the land to the north of South Pier and have been the subject of enforcement investigations in 2010 and more recently earlier this year. In both cases the rides were removed from the site and no further action was necessary. In 2013, the Council renewed the planning permission for the erection of a new pier head building at South Pier (13/0668 refers). South Pier is a locally listed building.

SITE DESCRIPTION

This application relates to a site immediately to the north of South Pier. The site is an irregular rectangular shape with dimensions of 46 metres by 21.5 metres and is part of a larger area. The site is set back approximately 15 metres from the frontage of the pier and approximately 20 metres from the sea defences. The site is tarmaced to distinguish it from the recently refurbished sea defences and Promenade. To the south of the pier is a go kart track.

DETAILS OF PROPOSAL

This application is for the relocation of a log flume ride which is currently sited at the western end of the pier. The ride would occupy the bulk of the application site and would have an overall height of some 12 metres. The 12 metres height would be some 45 metres to the west of the frontage of South Pier. The ride would be enclosed with 1 metre high timber palisade fencing. The applicant's agent suggests the ride needs to be relocated to allow the pier deck to be removed and replaced with more traditional timber decking.

MAIN PLANNING ISSUES

The main planning issues are considered to be:

- **Principle of the proposal**
- **Design**
- **Amenity**
- **Parking and Servicing Arrangements**
- **Impact on setting of South Pier**

CONSULTATIONS

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

PUBLICITY AND REPRESENTATIONS

Site notice displayed: 20 April 2016

Neighbours notified: 20 April 2016

Mr I Muir, Flat 1, 2 Simpson Street, Blackpool, FY4 1HS - I live in a flat at the corner of Simpson Street and Station Road and already am prevented from enjoying a quite home life (both by day and in the evening) due to noise from various attractions in the area and the relocation of the log flume to the area beside the pier is going to make things much worse. We had to complain last year about the horrendous volume from the puppet theatre, suffered badly from noise caused by the Mouse ride which was located beside the pier during the spring school holidays earlier this year and also often have our lives blighted by amplified

music and commentary from the pier itself. If planning permission is granted it needs to be with firm controls on noise levels and hours of operation.

Mr N Laister, on behalf of BLACKPOOL PLEASURE BEACH LTD, OCEAN BOULEVARD, PROMENADE, BLACKPOOL, FY4 1EZ - Please see document attached at Appendix 3a.

Mrs M Cameron, 485 PROMENADE, BLACKPOOL, FY4 1AZ - Our hotel is directly across the road from the proposed site for the log flume. I am not happy about it being moved there due to both the noise and also how high it is. Our sea views are already compromised by the theatre opposite us and we have had guests walk out a day early due to the volume of the theatre, we will end up with them both competing for the sound. There was a temporary mouse trap amusement erected there during the Easter holidays without planning permission and the noise from it was awful. I had to complain last year about the theatre due to the length of time it was on and the level of the music. If it does pass planning I definitely don't think it should be until midnight with music blaring from it. It's detrimental to our business as it is. I totally object, I didn't realise the noise level problems we would have with the theatre when it was erected and certainly don't want to add to it for the sake of my guests.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 2 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 reiterates this requirement.

Paragraph 12 states that the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place.

Paragraph 14 states - at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
 - when assessed against the policies in this Framework taken as whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 core land-use planning principles which should underpin both plan-making and decision-taking which include to proactively drive sustainable development and secure a high standard of design and a good standard of amenity.

Paragraph 56 states that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 135 states that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 150 emphasises the importance of Local Plans in delivering sustainable development. It reiterates the point that planning decisions should be made in accordance with the 'Local Plan' unless material considerations indicate otherwise.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Paragraph 216 of the National Planning Policy Framework allows relevant policies to be given weight in decision-taking according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); 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); and the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy has been adopted by the Council at its meeting on 20 January 2016. The document will be published on the Council's website in due course. In accordance with paragraph 216 of the National Planning Policy Framework, significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

CS1 - strategic location for development

CS5 - connectivity

CS7 - quality of design

CS8 - heritage

CS10 - sustainable design

CS21 - Leisure and business tourism

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

Policy LQ1 Lifting the Quality of Design states that new development will be expected to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment.

Policy LQ2 Site Context states that the design of new development proposals will be considered in relation to the character and setting of the surrounding area. New developments in streets, spaces or areas with a consistent townscape character should respond to and enhance the existing character. These locations include locations affecting the setting of a Listed Building or should be a high quality contemporary and individual expression of design.

Policy BH3 Residential and Visitor Amenity states that developments will not be permitted which would adversely affect the amenity of those occupying residential and visitor accommodation by:

- (i) the scale, design and siting of the proposed development and its effects on privacy, outlook, and levels of sunlight and daylight;
and/or
- (ii) the use of and activity associated with the proposed development;

or by

(iii) the use of and activity associated with existing properties in the vicinity of the accommodation proposed.

Policy BH4 - Public Safety - seeks to ensure air quality is not prejudiced, noise and vibration is minimised, light pollution is minimised, contaminated land is remediated and groundwater is not polluted.

Policy RR1 - Visitor Attractions - Within the defined Resort Core the Council will permit and encourage proposals for the development, extension or improvement of tourism attractions that draw large numbers of visitors provided that such development meets all of the following criteria:

- (a) the proposal makes a strong positive contribution to the physical and economic regeneration of the Resort Core, targeting, as far as possible, those areas/sites in greatest need of investment and renewal.
- (b) the proposal would increase the range and/or quality of facilities available to the visitor and contribute to safeguarding and growing Blackpool's visitor market.
- (c) the development proposal and associated activities including trip generation can be accommodated satisfactorily in a manner that relates well to adjoining uses; other existing visitor attractions and facilities, holiday and residential accommodation.
- (d) new attractions should reinforce the existing concentrations of such uses rather than leading to a dispersed distribution.

Policy RR11 - Central Promenade and Seafront -The Central Seafront from the Pleasure Beach to North Pier will be comprehensively improved and managed as an area for active leisure, in conjunction with the promotion of appropriate investment and development in adjoining Promenade frontages and the Piers. Improvements will establish a high quality public realm and include:

- new sea defences incorporating improved beach access facilities
- a renewed and extended Tramway system
- a cycleway
- landscaping and public art
- a new Illuminations spectacle
- festival event areas
- improved information, toilet, seating and refreshment facilities
- limited provision of ancillary small-scale retail outlets
- traffic calming measures and improved pedestrian crossing arrangements
- a new Public/Private Quality Management Initiative.

Development that would prejudice the implementation of these improvements or undermine the comprehensive improvement of the Central Promenade/Seafront Area will not be permitted.

Policy RR4 - Amusement arcades and Funfairs - Development proposals comprising or including Arcade Amusement Centres and Funfair rides will only be permitted:

1. in the following locations:

- (a) Blackpool Pleasure Beach
- (b) The Piers (excluding the Promenade deck of North Pier)
- (c) the Promenade frontage between its junctions with Adelaide Street and Princess Street.

or

2. as part of planned comprehensive development proposals elsewhere within the Resort Core.

or

3. In the context of improvements to existing amusement centres.

ASSESSMENT

Principle of the proposal

Members will be aware that an application to redevelop the pier head building was approved in 2013. Members will also be aware of the benefits that have followed the redevelopment of the sea defences and Promenade in terms of their visual impact and as a visitor experience. There is no doubt that the Promenade is the showcase for the town and is a means of linking the various attractions in the town with areas of holiday accommodation. This is a prominent site immediately to the north of south pier although views from the south are largely obscured by the bulk of the existing pier head building and would continue to be so if the new pier head building is erected (overall height of some 15 metres).

Policy RR1 of the Blackpool Local Plan seeks to encourage visitor attractions within the resort core subject to a number of criteria. The ride would not make a strong positive contribution to the physical regeneration of the resort core but it would reinforce existing concentrations of attractions - South Pier, Go Karts and the Sandcastle. It would not increase the range of facilities as it would be a relocation of an existing ride but it would allow for the safeguarding of the existing pier. It would relate well to other uses and would be well located for tram services and in relation to areas of holiday accommodation. It is not felt that a temporary relocation of the ride would conflict with the policy.

Policy RR4 of the Blackpool Local Plan is prescriptive in terms where funfair rides should be located and technically this location would be contrary to the policy as the land north of South Pier is not named in the policy. In this case, the proposal involves the relocation of an existing ride rather than a new ride and the proposed relocation is to facilitate some improvements to the existing pier structure. It is not felt that a temporary relocation of the ride would conflict with the policy.

Policy RR11 of the Blackpool Local Plan has been partially implemented through the provision of the new sea defences, festival event areas, tramway and cycleway and it is not felt that the proposal would conflict with the aims of the policy.

Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy seeks to strengthen the resort's appeal and part of this is to improve and enhance existing attractions (part c of the policy) which technically this proposal would be seeking to achieve in terms of the upgrading of South Pier. However part e of the policy is clearly seeking to enhance the appearance of the Promenade and complement the recent investment in the sea defences, headlands and Promenade which because of its functional appearance the ride would not achieve.

Given the tension between aspects of Policy RR4 of the Blackpool Local Plan and Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy, it is not felt that the proposal could be supported on a long term basis but a temporary relocation of the ride could be justified to allow for the upgrading of the existing pier which would be consistent with Policy CS21. It is felt that a period of 18 months is reasonable to allow for the work to be undertaken.

Design

The design/appearance of the ride is fairly functional reflecting its purpose. It could not be described as high quality design but given the proposed context it would be viewed against the backdrop of the existing pier building from the north and would be largely hidden from view by the existing pier building when viewed from the south. The eastern part of the ride would be some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part would be some 80 metres away. Given these circumstances the design is considered acceptable in this location on a temporary basis.

Amenity

The eastern part of the ride would be some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part would be some 80 metres away. In between there is the tramway, the Promenade and Promenade footways. On the eastern side of the Promenade directly opposite the application site is Pablos, to the north of which is a retail unit with vacant upper floors and beyond that is 485 Promenade. It is not considered that the proposal would affect direct sea views from the front bedrooms of 485 Promenade but would alter views when looking south. This is not in itself a reason to refuse planning permission. It is acknowledged that the ride would increase activity in the area to the north of South Pier and could if amplified music is used in association with the ride be a source of nuisance to local hoteliers, their customers and local residents. In addition, illumination of the ride could be an issue. It is felt that an hours of operation condition for the ride would help to mitigate these concerns and 8am to 8pm is the suggested hours of operation. It is considered that this condition would mean that the application would be consistent with Policy BH3 of the Blackpool Local Plan and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy.

Highway Safety

The ride would be set back from the Promenade by some 40 metres and hence it is not considered that it would be a distraction to motorists and hence would not be detrimental to highway safety. It would not conflict with Policy AS1 of the Blackpool Local Plan.

Parking and Servicing Arrangements

There would be space to the front and rear of the ride for staff to park. The ride is close to a tram stop and bus routes and would form part of a cluster of attractions in this area. It is not considered that the provision of a dedicated customer parking area is warranted given the sustainable location of the site.

Impact on setting of South Pier

Paragraph 135 of the National Planning Policy Framework states that the effect of a planning application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This approach is echoed in Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy. The principle of redeveloping the pier head has been established through the grant of planning permission reference 13/0668 (valid for 3 years from 13 January 2014). The proposal would allow for the upgrading of the pier structure to allow the pier deck to be removed and replaced with more traditional timber decking. In this respect the proposal could be said to be enhancing the locally listed pier. This improvement to the pier structure has to be weighed against the negative impact the ride would have on the setting of the pier. However, this negative impact is mitigated by the bulk of the existing pier head building and the fact that the majority of the ride would be subservient to it. In addition, if approved on a temporary basis, this impact would have a limited lifespan. Overall it is felt that the physical enhancement of the pier structure outweighs the temporary harm in locating the ride adjacent to the pier.

CONCLUSION

The proposal has a number of tensions with policies in the Blackpool Local Plan and the Blackpool Local Plan Part 1: Core Strategy. However it is felt that the improvements to the existing pier justify supporting the temporary relocation of ride for a period of 18 months. In addition it is felt that a restriction on the hours of operation of the ride (8am to 8pm) would mitigate the concerns raised by a local resident and a local hotelier.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

Not applicable

HUMAN RIGHTS ACT

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

CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

BACKGROUND PAPERS

Planning Application File(s) 16/0171 which can be accessed via the link below:

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

Recommended Decision: Grant Permission

Conditions and Reasons

1. The log flume ride hereby permitted shall be discontinued/removed and the land restored to its former condition on or before 5 January 2018.

Reason: The development is such that it would not be approved for permanent development in this location, in accordance with Policies RR1 and RR4 of the Blackpool Local Plan 2001-2016 and Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy.

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 on 24 March 2016 including the following plans:

Location Plan stamped as received by the Council on 24 March 2016.

Drawings numbered GA/04461/004 Rev A, GA/04461/006, GA/04461/005 Rev A, GA/04461/003.

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

3. The log flume ride shall be operated only between 08.00 hours and 20.00 hours on any day.

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

Advice Notes to Developer

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

