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Date: 9 May 2016

Blackpool Council
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Dear Sir/Madam

**Planning Application 16/0171: Erection of a log flume ride on land adjacent to the north side of South Pier.
 SOUTH PIER, PROMENADE, BLACKPOOL, FY4 1BB**

RPS is making these representations on the above planning application behalf of its client Blackpool Pleasure Beach Ltd (BPB). BPB wishes to **object** to this planning application, and we set out the reasons for this objection below.

The proposal is to move an existing log flume ride, that is currently located at the end of South Pier, and relocate it on the Promenade on land north of the landward end of the pier.

BPB objects to this planning application for the following reasons:

- Principle;
- Visual impact and design;
- Residential and business amenity; and
- Heritage impact.

We deal with each of these below in turn.

Principle

The Blackpool Local Plan Part 1: Core Strategy (2012-2027) was adopted in January 2016 (hereafter referred to as the 'Core Strategy') and sets out the Vision for Blackpool, which is to offer ***"a high quality visitor experience attracting new audiences and creating new reasons to visit Blackpool year-round"*** with the Promenade being ***"...revitalised, with quality development providing excellent attractions...and public realm enhancements supporting an exciting cultural programme of events and festivals"*** (page 23).

Key objective 14 (page 25) is to: ***"Sustain a high quality, year-round visitor offer by growing and promoting our tourism, arts, heritage and cultural offer including new high quality attractions, accommodation and conferencing facilities and an exciting programme of national events and festivals."***

The proposed log flume is a portable ride, similar to log flumes that appear at a number of the larger travelling fairs around Britain. We do not consider that the erection of travelling fairground rides in such a prime location on Blackpool seafront meets the Council's objectives and aspirations for this prominent part of the Resort Core. As stated in Paragraph 4.7 of the Core Strategy, ***"...large parts of the Resort Core have become associated***

with a poor quality, low-value offer which does not appeal to a 21st century tourist market". BPB does not consider that the siting of fairground rides in this location will assist in improving the quality of the offer on this part of the seafront, especially when there are two lawful amusement parks (Blackpool Pleasure Beach and South Pier itself) on which rides can currently be located within defined boundaries, where the visual and noise impacts can be better managed.

Located outside of a defined amusement park boundary, the proposed log flume will have an unacceptable impact upon the town's existing amusement park attractions, which will in turn potentially have a substantial and permanent impact on the attractions' ability to create jobs and on their contribution to the local economy. The log flume will be located very close to the main entrance of BPB, so will have particularly negative consequences for the park.

BPB has invested significantly in the future of Blackpool after a number of difficult years. It has substantial infrastructure to operate and maintain and large annual costs to stay in operation. These recent investments, along with those of Blackpool Council, have seen a gradual improvement in the performance of the resort, notable during the 2014 and 2015 seasons. The proposed log flume, being located outside an amusement park, and so close to the entrance to an established and important amusement park attraction, could significantly undermine this investment.

Policy CS21: Leisure and Business Tourism incorporates these quality objectives into a clear statement of policy, stating that the focus will be on ***"strengthening the resort's appeal to attract new audiences year round"***. This will be achieved by supporting, inter alia:

"a. Proposals for new high quality tourism attractions focused on the town centre and resort core, including major development opportunities which have the potential to become wider catalysts for regeneration to improve the visitor experience."

...

"e. New development along the promenade's built frontage which complements the high quality public realm investment along the promenade to enhance the appearance of Blackpool's seafront."

It is clear from this policy, and in particular (a) that the Council is looking for high quality attractions that will assist in wider resort regeneration. Part (e) of the policy relates specifically to the promenade and refers to development complementing the high quality public realm investments that have been made along the promenade.

The supporting text (para 7.28) emphasises the ***"overriding"*** need to raise quality in all aspects of the visitor experience in Blackpool.

And Paragraph 7.31 refers to Blackpool's ***"well-known visitor attractions which make an important contribution to the overall resort offer"*** and ***"seeks to complement and reinforce the role of these existing important attractions, securing their long-term future"***. This application would have exactly the opposite effect, by undermining the viability of the Pleasure Beach by allowing fairground rides to be located on the promenade outside of an amusement park.

Similarly, Paragraph 7.33 refers specifically to the promenade and describes it as **“one of Blackpool’s key visitor assets and is considered to be the ‘shop window’ of the resort”**. It refers to the multi-million pound investment that has transformed the seafront, including the new sea wall, enhanced public realm, improved access onto the beach and a new tramway. It states that: **“To complement this recent investment, the Council will support new high quality development that builds upon the success of the seafront.”**

This proposal would be a significant backwards step for Blackpool, undermining the Pleasure Beach visitor attraction that the Local Plan seeks to support and undermining the public realm improvements that have transformed this part of the town.

The proposed log flume would also be contrary to policies in those parts of the Blackpool Local Plan 2001-2016 (adopted June 2006, hereafter referred to as ‘the Local Plan’) that remain extant.

Local Plan Policy RR1 relates to visitor attractions and adopts a presumption in favour of tourism attractions within the defined Resort Core that draw large numbers of visitors providing they meet, *inter alia*, 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.

For the reasons set out above in respect of economic impact, the proposed log flume ride would meet neither of these criteria, and would be contrary to this policy. In terms of criterion (a), the erection of a large travelling fairground attraction on this prominent part of the promenade, outside of an amusement park, would not make a strong positive contribution to the physical and economic regeneration of the resort, either in terms of the development itself (which from the application drawings offers little in the way of permanent landscape and infrastructure improvement – merely a perimeter fence) or in terms of the economic impacts of the ride, which would be in direct competition with a number of existing attractions. In terms of criterion (b), the log flume will not increase the range and/or quality of facilities as it will be providing something that has already existed on the South Pier for many years and is similar to other attractions in the town (such as the Rugsrats Lost River log flume and Valhalla at the Pleasure Beach) and will draw tourists away from these existing permanent attractions, potentially harming their viability.

Of further significance, we note that the explanatory text to this policy acknowledges the importance of the continuing investment at Blackpool Pleasure Beach and the need for quality visitor attractions as being the key to Blackpool’s future as a major resort.

Local Plan policy RR4 sets out that funfair rides such as that proposed will only be permitted at Blackpool Pleasure Beach, the Piers, and the Promenade between its junctions with Adelaide Street and Princess Street, unless they are part of comprehensive development proposals or as part of improvements to existing amusement centres. Clearly, none of these locations are relevant to the proposed log flume and as such, the proposal would not be in accordance with this policy. As stated above, the log flume does not form part of a comprehensive development proposal, nor is it part of the improvement of an existing

amusement centre, as it is located outside of the curtilage of the Pier and the existing amusement arcade.

Visual impact and design

The ride is 12m high and will be a significant landmark on the seafront, and will be much more visible on the landward end of the Pier than it was at the end of the Pier. In terms of visual impact, Core Strategy Policy CS21 provides clear guidelines on how development must complement the high quality public realm along the promenade, particularly given the significant investment in the improvement of this area. The proposal before the Council is simply to erect a portable travelling fairground ride, which will have no foundations and will stand on the existing tarmac surface, and the only public realm improvement will be a perimeter fence, which is required for health and safety. This is a stark contrast to the rides within Blackpool Pleasure Beach, all of which are landscaped and are in a high quality amusement park setting.

Core Strategy Policy CS7 (Quality of Design) states that new development in Blackpool is required to be **“well designed, and enhance the character and appearance of the local area”** and sets out a number of criteria, including, *inter alia*: **“a. Be appropriate in terms of scale, mass, height, layout, density, appearance, materials and relationship to adjoining buildings”**.

Local Plan policy LQ4 relates to building design, and sets out, *inter alia*, that tall buildings will only be acceptable where the scale, mass and height is appropriate taking into account the width and importance of the street or space; takes into account the scale, mass and height of neighbouring buildings; creates a landmark only where one is required; and does not detract from existing views of landmark buildings.

This 12m tall structure has not been designed with any consideration of its setting, as it is an ‘off the shelf’ portable fairground ride, manufactured rather than designed for its location. This proposal has not been designed taking into account the scale, mass and height of surrounding buildings and will harm the setting and appearance of the South Pier entrance building. This type of ride would be entirely appropriate inside an amusement park, which is the correct location for this type of structure. Outside of an amusement park it is necessary for development to consider its setting, using all the criteria in the policies listed above, and that simply cannot be achieved with a ride such as this. Despite this, no attempt is even being made to improve its appearance through landscaping or other public realm improvements. It will simply look like a fairground ride standing on tarmac.

It is clear from Policy in both the Core Strategy and Local Plan that the promenade areas are not a suitable place for fairground rides. Given the extent of investment made to the promenade in this area and the introduction of policies to ensure that development complements this investment, we consider that the erection of a log flume ride will be significantly detrimental to this important part of Blackpool and will undermine the efforts to regenerate the resort.

Residential and business amenity

Core Strategy Policy CS7, referred to above, also states that new development in Blackpool is required to: **“Ensure that amenities of nearby residents and potential occupiers are not adversely affected” (criterion b of the Policy).”**

Part 2 of the Policy states: ***“Development will not be permitted that causes unacceptable effects by reason of visual intrusion, overlooking, shading, noise and light pollution or any other adverse local impact on local character or amenity.”***

Local Plan Policy BH4 also adopts a presumption against development which creates or worsens noise levels above acceptable standards.

The ‘drops’ on this ride, where the boats travel down the steep inclines, will face inland towards the frontage of properties lining the Promenade. This means that the screams from riders, and other mechanical noise, will be heard in these properties (both residential, hotel and commercial) and may well cause harm to amenity. No noise report has been submitted with the application and it is therefore not possible to verify whether this would indeed be the case, but on planning applications for log flume rides in other parts of the UK that RPS has been involved with on behalf of other amusement park operators, we have been required to submit a noise impact assessment. These assessments have sometimes revealed that properties directly facing the drop on a log flume can suffer noise impacts that would materially harm the amenities of occupiers, and mitigation measures have been proposed. Some of these rides were further from residential properties than the ride proposed in this location. We do not consider that this application should be determined without the usual noise impact assessment being submitted.

Any noise assessment would need to be bespoke to the development and the site, as the ride is not located within an amusement park, in order to demonstrate that it would satisfy Core Strategy Policy CS7 and Local Plan policy BH4 and the provisions of the more recent NPPF.

The log flume may also introduce new views into nearby residential properties, and the effects on residential amenity will need to be carefully considered to ensure that the ride does not give rise to concerns in this regard.

Heritage

Whilst we note that the South Pier is only a locally listed structure, the impact of the proposed log flume upon the setting of other designated heritage assets is of substantial weight in the balance of considerations. The applicant’s submission only addresses the possible impact on the Pier itself, not other heritage assets which are of greater importance.

The designated heritage assets affected could include the White Tower/Casino building at Blackpool Pleasure Beach (a Grade II Listed Building), which close to the site.

Core Strategy Policy CS8 (Heritage) states that: ***“Development proposals will be supported which respect and draw inspiration from Blackpool’s built, social and cultural heritage, complementing its rich history with new development to widen its appeal to residents and visitors.”*** It also states that proposals will be supported that ***“enhance the setting and views of heritage assets through appropriate design and layout of new development and design of public realm”*** and ***“strengthen the existing townscape character created by historic buildings”***.

Local Plan policies LQ7 (Strategic Views), LQ9 (Listed Buildings) and LQ10 (Conservation Areas) seek to preserve or enhance the setting of these designated heritage assets.

The proposed development has not been conceived with any regard for the above considerations. It is difficult to see how a travelling log flume ride stationed on the promenade adjacent to South Pier will in any way enhance the setting and views of heritage assets. The policy also references appropriately designed public realm, but the application proposes no improvements to public realm, other than some fencing for health and safety reasons.

In addition, the NPPF sets out that:

“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting [our emphasis]. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...”

Where the harm to designated heritage assets is less than substantial the public benefits need be weighed against that harm.

In addition, we note that recent case law¹ dictates that the weight that should be given to the requirement to have special regard to the desirability of preserving the setting of Listed Buildings and Conservation Areas, in accordance with the Listed Buildings and Conservation Act 1990, is such that there is a general presumption against development that would adversely affect their setting.

Furthermore, we note that the presumption in favour of sustainable development in the NPPF sets out that the golden thread that runs through decision making by the NPPF does not apply where the setting of designated heritage assets are not preserved.

Comments on the Applicant’s Statement

The Applicant has submitted a document called ‘Planning, Design & Access and Heritage Statement’ by Shepherd Planning, dated March 2016. This document seems to focus largely on heritage issues, and pays little regard to the other issues, such as principle, visual impact, design and amenity.

There are two points in this report that we wish to respond to:

- Paragraph 6.1 states that the NPPF has greater weight in terms of decision making than the Blackpool Local Plan. Shepherd Planning may not be aware that Paragraph 1.10 of the Core Strategy states that a number of policies in the Blackpool Local Plan will continue to be saved and considered alongside Core Strategy policies when determining planning applications. Appendix B of the Core Strategy withdraws a number of the saved policies in the Local Plan, and those which remain are still relevant. This increases the weight that would be given to these policies in

¹ see (1) *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors* [2014] EWCA Civ 137; and, (2) *The Forge Field Society & Ors, R (On the Application Of) v Sevenoaks District Council* [2014] EWHC 1895 (Admin)



determining planning applications as they are specifically referenced and listed in a newly adopted Core Strategy.

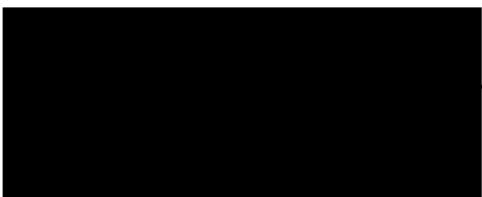
- Paragraphs 6.4 and 6.5 of the Applicant's statement review Local Plan policies RR7 and RR8. However, Appendix B of the Core Strategy states that these policies are now superseded by policies in the Core Strategy. These policies are therefore withdrawn and irrelevant to this application. The most relevant of the replacement policies is Policy CS21 (which relates to proposals for tourism attractions), but this is not even referred to in the Shepherd Planning report.

Finally, if the Council is minded to approve this application, we consider it essential that two conditions are imposed (in addition to any standard conditions):

1. Removal of permitted development rights set out in Class B, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (hereafter called the 'GPDO 2015'), which relates to development at amusement parks. If the ride is in place for 10 years or more, this may have the effect of changing the use of the land on which the ride is standing to an amusement park. Permitted development rights in the GPDO 2015 would allow the removal of this ride and the installation of other rides without the need for planning permission. In other words, a new amusement park will have been created and the Council will have lost control of the land through the planning system. To prevent this, which could be extremely damaging to Blackpool's visitor economy, a condition removing permitted development rights should be imposed.
2. As the proposed ride is essentially a portable travelling fairground ride, we do not consider that it would be appropriate to grant a permanent planning permission for the ride in this highly prominent location. We would suggest that instead a temporary planning permission for a maximum of three years should be granted.

The above comments are without prejudice to our view that this planning application should be refused.

Yours sincerely
For RPS



Nick Laister
Senior Director