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Blackpool Council
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Dear Sir/Madam

**Planning Application 18/0333: Retention of log flume ride on land to the north of the 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.

A planning application was submitted to site a log flume ride on the Promenade adjacent to the South Pier entrance building (Planning Application 16/0171, validated on 18th April 2016). The Officer's Report to Planning Committee (hereafter referred to as "the 2016 Committee Report") noted that the proposal had 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 was felt that improvements to the existing pier justified supporting a temporary relocation of the ride for a period of 18 months. Planning permission was therefore granted in July 2016 on a temporary basis, until April 2018. The log flume remains in breach of this condition.

This current application now proposes to retain the log flume on a permanent basis, which would have the effect of extending the pier deck amusement park onto the Promenade, in conflict with the above policies, and would set a longer-term precedent that would be of great concern to BPB, and in particular affect BPB's long-term contribution to Blackpool's tourism economy, the generation of jobs and its ability to continue to maintain the level of large-scale infrastructure (including a number of nationally-important listed buildings) on the site.

BPB therefore 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

Blackpool Local Plan Part 1: Core Strategy (2012-2027)

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 South Pier 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 funfair 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 funfair 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, and where a better visitor experience can be provided.

Located outside of a defined amusement park boundary, the log flume will have an unacceptable, permanent impact upon the town's existing amusement park attractions, which will in turn potentially have a substantial and long-term impact on the attractions' ability to create jobs and on their contribution to the local economy. The log flume is 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, including a number of listed structures, and large annual costs to stay in operation. These recent investments, along with those of Blackpool Council elsewhere in the town, have seen a gradual improvement in the performance of the resort. For 2018, BPB has opened a new 'first-of-its-kind' £16M roller coaster to attract the 16 to 25-year-old thrill seekers to its Park and to the resort. Notwithstanding this, the economic climate remains very challenging, and likewise how to ensure this group make the decision to visit. This position is in stark contrast to the siting of a low grade portable ride, the subject of this planning application.

The permanent location of a log flume, being located outside an amusement park, and so close to the entrance to an established and important amusement park attraction, will significantly undermine BPB's confidence in making these investments, and possibly even its ability to make these investments.

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 permanent fairground rides to be located on the promenade outside of an amusement park. This is not an issue of one business competing with another. The importance of Blackpool Pleasure Beach, its attractiveness to visitors, its overall appeal, its contribution to jobs and the economy and its role in managing an internationally important historic environment, takes it well beyond being a matter as narrow as competition. This is why certain key attractions are recognised in the Local Plan; the future of Blackpool partly depends on the long-term sustainability and attractiveness of these key attractions.

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 2016 Committee Report identified a clear conflict with Policy CS21. It stated: ***“...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.”***

For this reason (and its non-compliance with policies in the 2001-2016 Local Plan that remain part of the Development Plan, which I deal with below), officers concluded:

“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.” (RPS emphasis)

There has been no material change in circumstances that would provide a reason for the Council to take a different view now, as this policy remains unchanged. In addition, we understand from discussions with Carl Carrington at Blackpool Council that works have been undertaken on the Pier structure, so the reason for the Council allowing this ride on a temporary basis has now been discharged. Of course, there is always the need for ongoing repairs and maintenance to all of Blackpool's piers, but this should not be at the expense of a permanent conflict with recently adopted Development Plan policies and harm to businesses that the Local Plan is seeking to support and enhance (namely BPB itself).

Blackpool Local Plan 2001-2016

As set out in the 2016 Committee Report, the proposed log flume would also be contrary to saved policies in those parts of the Blackpool Local Plan 2001-2016 (adopted June 2006, hereafter referred to as ‘the Local Plan’). The relevance of these policies was reaffirmed when the Core Strategy was adopted in 2016, so these policies remain relevant and carry full weight.

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 permanent retention of the log flume ride would meet neither of these criteria, and would be contrary to this policy. In terms of criterion (a), the retention of a large travelling funfair ride 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 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 which the Local Plan seeks to protect and enhance. 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 Rugrats 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.

Officers agreed with this position when considering the original planning application. The 2016 Committee Report stated:

“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 is not felt that a temporary relocation of the ride would conflict with the policy.”

The clear implication here is that a permanent permission would conflict, particularly in that it will undermine the physical regeneration of the resort and would not increase the range of attractions available in the town. BPB would agree entirely with the Council, and again we not aware of any material change in circumstances that would suggest a different view should be taken now to that taken in 2016.

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 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.

The Council was very clear about this in its 2016 Committee Report, stating:

“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.”

Again, the clear implication of this is that a permanent relocation would conflict with the policy. This must be the case because this site is not one that is listed in the Local Plan as an acceptable location for a funfair ride. This policy provides no exceptions. It would be extremely concerning if Blackpool Council took a different view in 2018 as this would set a precedent that could have far-reaching implications for the future viability of BPB, including its ability to invest, and therefore for the resort as a whole.

Visual impact and design

The ride is 12m high and is now a significant landmark on the seafront, and is 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 to retain a portable travelling funfair ride, which has no foundations and stands on the existing tarmac surface, and the only public realm improvement was 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, a good example of this being the new roller coaster Icon, which opened in May 2018 and is a bespoke design, built into the landscape of the park.

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 funfair 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 harms 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 has even been made to improve its appearance through landscaping or other public realm improvements. It simply looks like a funfair ride standing on tarmac.

It is clear from policies in both the Core Strategy and Local Plan that the promenade areas are not a suitable place for funfair 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 permanent retention of this log flume ride in this location will be significantly detrimental to this important part of Blackpool and will undermine the efforts to regenerate the resort.

The 2016 Committee Report concluded that the ride is functional and ***“could not be described as high quality design”***, but noted that it would be viewed with the South Pier as a backdrop. It concluded that the design was ***“considered acceptable in this location on a temporary basis”***. As with the above policies, there is a clear implication that it would not be acceptable on a permanent basis, and BPB concurs with this view. There has been no material change in circumstances that would suggest that the Council should take a different view now.

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, face inland towards the frontage of properties lining the Promenade. This means that the screams from riders, and other mechanical noise, is directed at these properties. 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. Whilst it was considered to be acceptable to site the ride on a temporary basis without a noise report, we do not consider that an application for the permanent siting of the ride should be determined without the usual noise impact assessment being submitted. This should be relatively straightforward given that the ride is already in operation.

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 has also introduced 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 is 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:

“135. The effect of an 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.”

The 2016 Committee Report balanced these issues, noting that the improvements to the pier structure that were proposed by the applicant had to be weighed against “the negative impact the ride would have on the setting of the pier.” The officer concluded that:

“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.”

It is clear from this assessment that locating the log flume in this location on a permanent basis would have a very different impact that may not be acceptable. For the reasons we set out above, we do not consider that it would be acceptable.

Comments on the Applicant's Statement

The Applicant has submitted a document called ‘Planning, Design & Access and Heritage Statement’ by Shepherd Planning, dated May 2018. There are a number points made in this report that we wish to respond to:

- Paragraph 2.1 concludes by stating that this is, “in effect, a totally reversible development”. This is a somewhat disingenuous statement, as our client's worry is that, whether or not it can be reversed, it will not in practice be reversed. There would be no requirement to remove it and, even if the owners of the Pier decided to replace the ride, it would be highly unlikely that they would not be permitted to change the ride to another similar travelling ride, such as a portable roller coaster. Given the size of the log flume, the area could even accommodate a number of smaller replacement rides, which the Council would find it very difficult to refuse. In effect, a small amusement park will have been created. (If the Council does decide to grant a permanent permission, it is essential that 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 are removed, otherwise the owners could submit an application under Section 191 of the Town and Country Planning Act

1990 (as amended) to claim an amusement park and utilise the permitted development rights in Part 18 to erect funfair rides without any further express planning permission).

- Paragraph 6.1 states that the NPPF has greater weight in terms of decision making than the saved policies in 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 document was subject to an Examination at which soundness was tested, as well as compliance with the NPPF. These policies cannot therefore be considered “out of date” and their inclusion in an up-to-date Core Strategy increases the weight that would be given to these policies in determining planning applications.
- Paragraph 6.3 considers the proposal against Policy RR1 of the Blackpool Local Plan, but does not assess the proposal against each of the criteria. BPB and the Council (in its 2016 Committee Report) have done that and found that the retention of the log flume would not comply with Criteria a) and b).
- Paragraph 6.4 considers the proposal against Policy RR4. The applicant appears to have misunderstood this policy. The applicant states: “It is suggested that the proposed ride does NOT constitute an amusement arcade. It is *one* ride that *could* be seen on a funfair, but one ride (of itself) would not constitute a funfair.” This ignores the fact that the policy actually states: “Development proposals comprising or including Arcade Amusement Centres and Funfair rides” (our emphasis). The policy therefore applies to individual rides as well as complete funfairs.
- In Paragraph 6.4, the applicant also claims that as the land on which the ride is located was acquired by the owners at the same time as the Pier (“The land came with the pier”) it falls within the curtilage of the Pier. We can be very clear about this. The land adjacent to the Pier does not fall within the planning unit or curtilage of the Pier. There are no physical boundaries ‘on the ground’ that would make it fall within the planning unit of the pier. Even if the siting of the log flume could be claimed to now bring this land into the same planning unit or curtilage, this could only take place after a period of 10 years. In planning, a new curtilage cannot be claimed over a shorter period. Therefore although the land now does have a functional relationship with the Pier through the siting of the log flume, it has no physical relationship, and in any event this relationship (which is a use of land) has not taken place for long enough to be lawful. The Council needs to be aware that the permanent siting of this log flume will ultimately have the effect of bringing the land into the curtilage of the Pier, or into its planning unit, and eventually Policy RR4 will apply. This is another good reason to refuse this application.
- Paragraphs 6.5 and 6.6 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.



- Paragraph 7.6 considers Policy CS21 of the Core Strategy, but does not assess the proposal against each of the criteria. BPB and the Council (in its 2016 Committee Report) have done that and found that the retention of the log flume would not comply with Criteria a) and e).

For the reasons set out in this letter, we hope that officers take the same position that they did in the 2016 Committee Report and recommend refusal of the permanent siting of the log flume.

Yours sincerely
For RPS

A handwritten signature in dark ink, which appears to read 'Nick Laister', is written over a large black rectangular redaction mark.

Nick Laister
Operational Director