

COMMITTEE DATE: 18/09/2018

Application Reference: 18/0333

WARD: Waterloo
DATE REGISTERED: 17/05/18
LOCAL PLAN ALLOCATION: Resort Core
Central Promenade and Seafront
Coast and foreshore
Defined Inner Area

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

PROPOSAL: Retention of log flume ride on land to the north of the pier

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

Summary of Recommendation: Refuse

CASE OFFICER

Gary Johnston

BLACKPOOL COUNCIL PLAN 2015 -2020

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool but conflicts with policies in the Blackpool Local Plan Part 1 : Core Strategy 2012-2027 which was adopted by the Council in January 2016 and saved policies in the Blackpool Local Plan 2001-2016 (adopted June 2006)

SUMMARY OF RECOMMENDATION

The proposal has a number of tensions with policies in the Blackpool Local Plan (LQ1, RR1, RR4 and RR11) and the Blackpool Local Plan Part 1: Core Strategy (CS7, CS8 and CS21). When it was originally approved on a temporary basis it was felt that the proposed improvements to the western end of the existing pier justified supporting the temporary relocation of ride for a period of 18 months. In addition it was felt that a restriction on the hours of operation of the ride (10 am to 10pm) 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). However in the absence of the improvements to the western end of the pier it is felt that there is no justification for the retention of the ride in this location. Given there have not been any improvements to the western end of the pier this key material consideration no longer weighs in favour of the proposal and it is considered that it is contrary to paras 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016.

INTRODUCTION

The application was deferred at the meeting of the Planning Committee on 14 August 2018 as the applicant's agent could not attend the meeting to put forward the applicant's case for the retention of the log flume

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 because of the existence of an Article 4 Direction relating to the Promenade. 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 in 2016. 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), although this has now expired. 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 approx. 15 metres from the frontage of the pier and approx. 20 metres from the sea defences. The site is tarmacked to distinguish it from the refurbished sea defences and Promenade. To the south of the pier is a go kart track

DETAILS OF PROPOSAL

This application is for the permanent retention of a log flume ride which was originally sited at the western end of the pier. The ride occupies the bulk of the application site and has an overall height of some 12 metres. This 12 metres height is some 45 metres to the west of the frontage of South Pier. The ride is enclosed with 1 metre high timber palisade fencing. At the time of the original application 16/0171 the applicant's agent suggested the ride needed to be relocated to allow the pier deck at the western end of the pier 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**

These issues will be discussed in the assessment section of this report.

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: 31 May 2018

Neighbours notified: 22 May 2018

Letter from RPS on behalf of Blackpool Pleasure Beach objecting to the retention of the log flume ride in this location is appended to this report at Appendix 7c.

NATIONAL PLANNING POLICY FRAMEWORK

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

Paragraph 11 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 12 states that the NPPF 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 indicated otherwise. It is highly desirable that Local Planning Authorities have an up to date plan in place

Paragraphs 124-131 state 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 197 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.

BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. 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

SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

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 Fairs - Development proposals comprising or including Arcade Amusement Centres and Fair 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 but that this has now lapsed. 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 (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 does not make a strong positive contribution to the physical regeneration of the resort core but it does reinforce existing concentrations of attractions - South Pier, Go karts, Sandcastle. It does not increase the range of facilities as it is a retention of an existing ride. It does relate well to other uses and is well located for tram services and in relation to areas of holiday accommodation. It was not felt that a temporary relocation of the ride would conflict with the policy but it is considered that a retention 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 this location is contrary to the policy as the land north of South Pier is not named in the policy. In this case the proposal was previously supported as it involved the relocation of an existing ride rather than a new ride and the proposed relocation was to facilitate some improvements to the existing pier structure. It is felt that a retention 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 felt that the retention of the ride does 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 the previous application was seeking to achieve in terms of the upgrading of the western end of South Pier but this has not happened. **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 does not achieve.

Given the tension with policies of the Blackpool Local Plan and 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 previously a temporary relocation of the ride was justified to allow for the upgrading of the existing pier deck and this was deemed to be consistent with Policy CS21. It was felt that a period of 18 months was reasonable to allow for the work to be undertaken. The work has not been undertaken and another ride has been erected in place of the log flume ride at the western end of the pier. These are considerations which weigh against the retention of the ride on the land to the north of South Pier.

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 context it is viewed against the backdrop of the existing pier building from the north and is largely hidden from view by the existing pier building when viewed from the south. The eastern part of the ride is some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part is some 80 metres away. Given these circumstances the design was considered acceptable in this location on a temporary basis only. It is not considered acceptable on a permanent basis

Amenity

The eastern part of the ride is some 55 metres from the nearest properties on the eastern side of the Promenade and the highest part is 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 retention of the ride affects direct sea views from the front bedrooms of 485 Promenade but it does alter views when looking south. This is not in itself a reason to refuse planning permission. It is acknowledged that the ride has increased 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 was felt that an hours of operation condition for the ride would help to mitigate these concerns and 10am to 10pm was the approved hours of operation. It was felt 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 is set back from the Promenade by some 40 metres and hence it is not considered that it is a distraction to motorists and hence is not be detrimental to highway safety. It is felt that it does not conflict with Policy AS1 of the Blackpool Local Plan.

Parking and Servicing Arrangements

There is 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 forms 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 197 of the National Planning Policy Framework (NPPF) 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 previous application was supported on the basis that it would allow for the upgrading of the pier structure to allow the pier deck at the western end of the pier to be removed and replaced

with more traditional timber decking. In this respect the proposal was considered 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 it was felt that if it was approved on a temporary basis this impact would have a limited lifespan. Overall it was felt that the physical enhancement of the pier structure outweighed the temporary harm in locating the ride adjacent to the pier. However without the public benefit of the improvement to the western end of the pier it is considered that the proposal is contrary to para 135 of the NPPF and Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy.

CONCLUSION

The proposal has a number of tensions with policies in the Blackpool Local Plan (LQ1, RR1, RR4 and RR11) and the Blackpool Local Plan Part 1: Core Strategy (CS7, CS8 and CS21). When it was originally approved on a temporary basis it was felt that the proposed improvements to the western end of the existing pier justified supporting the temporary relocation of ride for a period of 18 months. In addition it was felt that a restriction on the hours of operation of the ride (10 am to 10pm) 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). However in the absence of the improvements to the western end of the pier it is felt that there is no justification for the retention of the ride in this location. Given there have not been any improvements to the western end of the pier this key material consideration no longer weighs in favour of the proposal and it is considered that it is contrary to paras 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016.

LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION

None relevant.

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) 18/0333 which can be accessed via the link below:

Recommended Decision: Refuse

Conditions and Reasons

1. The retention of the log flume ride in this prominent location adjacent to a Locally Listed Building would detract from the character and appearance of the Promenade and the setting of the Locally Listed Building by reason of its height, bulk and appearance. As such the retention of the log flume ride is contrary to paras 124-131 and 197 of the National Planning Policy Framework, Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan 2001-2016

2. ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 187)

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.

Advice Notes to Developer

Not applicable.