

Blackpool Council

24 June 2016

To: Councillors I Coleman, Critchley, Elmes, Hutton, Maycock, Stansfield and L Williams

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 5 July 2016 at 6.00 pm
in Committee Room A, Town Hall, Blackpool FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 7 JUNE 2016 (Pages 1 - 12)

To agree the minutes of the last meeting held on 7 June 2016 as a true and correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED (Pages 13 - 18)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

4 PLANNING ENFORCEMENT UPDATE REPORT (Pages 19 - 24)

The Committee will be asked to note the outcomes of the cases and approve the actions of the Service Manager – Public Protection.

5 PLANNING APPLICATION 16/0171 - SOUTH PIER, PROMENADE

(Pages 25 - 46)

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman
Critchley

Elmes
Hutton

Maycock
Stansfield

In Attendance:

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser
Mr Gary Johnston, Head of Development Management
Mr Mark Shaw, Principal Planning Officer
Mrs Carmel White, Chief Corporate Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 10 MAY 2016

The Committee considered the minutes of the last meeting held on 10 May 2016.

Resolved: That the minutes of the last meeting held on 10 May 2016 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Committee considered a report detailing an appeal that had been lodged against a planning enforcement notice in respect of the installation of externally mounted roller shutters, housing boxes and associated guides mounted to the Cookson Street and Charles Street elevations at 7 Cookson Street, 7 and 7b Charles Street. It also noted that an appeal had been lodged against the Council's refusal of planning permission for the retention of first floor windows and use as altered on first floor as offices within Use Class B1 at Unit 2, Back Threlfall Road.

Resolved: To note the planning and enforcement appeals lodged.

Background papers: Letters from the Planning Inspectorate dated 15 January 2016 and 16 May 2016.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report on the planning enforcement activity within Blackpool during April 2016. The report outlined new cases that had been registered for investigation, cases resolved by negotiation and cases closed due to no breach of

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

planning control found, no action was appropriate or where it was considered not expedient to take further action. The report also provided similar comparative information from the previous year.

Resolved: To note the outcome of the cases and to support the actions of the Service Manager, Public Protection Department in authorising the notices set out in the report.

5 PLANNING APPLICATION 16/0004 - 199-201 PROMENADE

The Committee considered planning application 16/0004 for the external alterations including replacement steps to the front, enclosure of the forecourts and dormer extension, erection of rear dormer, single storey rear extension and extraction flue to the rear, and use of ground and lower ground floors of 199 Promenade and lower ground floor of 201 Promenade as altered as a restaurant within Use Class A3; and use of the remainder of both properties as 11 self-contained holiday flats and manager's accommodation.

Mr Johnston, Head of Development Management, presented the Committee with a brief overview of the application and site layout plans. He advised Members that a previous application in 2011 for the use of part of the ground floor of 201 Promenade as a café/restaurant had been refused and a subsequent appeal dismissed due to the impact on the amenity of the occupiers' neighbouring properties and a conflict with the aim of Policy BH17 of the Blackpool Local Plan to direct cafés and restaurants to the town centre and local/district centres. A further application was submitted in 2014 for the use of ground and lower floors of 199 Promenade as altered as a restaurant and use of the remainder of both properties as 10 self contained holiday flats and manager's accommodation and was approved. The current application was for an extension of the restaurant use into 201 Promenade with no linkage between the café/restaurant and holiday flats with the potential for the café to be developed without the holiday flats. Mr Johnston reported concerns that the current proposal would extend the café/restaurant across the lower ground floor of both properties contrary to policy and elements of the appeal decision in relation to the planning application submitted in 2011.

Mr Allen, the applicant's agent spoke in support of the application. He highlighted that the proposed development was for a mixed use of both restaurant and holiday accommodation. He stated that he had not been asked to redesign the extract flue but was prepared to do so if required. He did not consider that the proposal contravened Policy CS23 of the Core Strategy as in his view it was not within the Main Holiday Accommodation frontage. He suggested that the application could not be reasonably refused due to the lack of a sequential test as this had not been required. Mr Gallagher, applicant, and Mrs Gallagher, supporter, also spoke in support of the application advising of the conversion of the Waverley Hotel from a House of Multiple Occupation (HMO) to flats with en-suite bedrooms. They also highlighted the significant investment they had made to the Promenade for the benefit of the town, including being the first to have café area on the Promenade frontage.

Mr Johnston confirmed that Core Strategy Policy CS4 and Policy BH17 of the Local Plan clearly sought to direct café/restaurant uses to Town Centre and District and Local

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

Centres. He advised Members that the existence of a café/restaurant at 199 Promenade was not sufficient justification to allow an extension to 201 Promenade.

The Committee questioned the circumstances of the previous planning applications and Mr Johnston confirmed that the proposal in 2011 which had requested use of part of the ground floor as a restaurant had been recommended for approval but was refused by the Committee and a subsequent appeal against that decision had been dismissed. The application in 2014 maintained the status quo in terms of the café with the use of the remainder of 199-201 Promenade as holiday flats and this had been approved. Mr Johnston confirmed that he was unaware of any implementation of the previously granted planning permission and that the permission was still valid.

The Committee expressed concerns at the potential for development of the café/restaurant without the holiday accommodation should planning permission be given, and Mr Johnston confirmed that without a Section 106 agreement this was possible.

Following concerns raised by the Committee, the applicant confirmed that he would be prepared to offer a Section 106 agreement to ensure that both elements of the development would be implemented and to undertake a sequential test if required.

Resolved: To defer the application to a future meeting to allow the opportunity for discussions to take place between the applicant and the Head of Development Management regarding a Section 106 agreement and sequential test.

Background papers: Applications, plans and replies to consultations on the application.

6 PLANNING APPLICATION 16/0052 - 3 DUNES AVENUE

The Committee considered a retrospective application for use of first floor as extension to the existing children's day nursery at 3 Dunes Avenue and to allow an additional 10 children per session.

Mr Shaw, Principal Planning Officer, presented the Committee with a brief overview of the planning application and site layout plans. He reported that, following a complaint, it had come to light that the upper floor was being used as an extension to the day nursery contrary to planning permission and that there were an additional 10 children per session contrary to a condition attached to the original planning permission that had restricted the nursery to 15 children.

Mr Shaw referred Members to the Head of Transportation's comments in the Update Note which reported no significant highway issues.

Mr Shaw suggested an amendment to proposed condition 3, should permission be granted, as follows: 'the nursery shall not operate outside the hours of 08:00 hours to 18:00 hours Mondays to Fridays and not at all on Saturdays or Sundays or Bank Holidays'. He also proposed a further condition to restrict its use to a day nursery and thereby

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

prevent it being used for other Class D1 uses. In response to representations, he advised a limitation on the number of children playing outside at any one time would also require an additional condition.

The retrospective application had been recommended for approval as it was not considered that it would conflict with relevant policies in that it would not have a significant impact on the amenities of local residents in terms of noise and disturbance and on parking/highway safety.

Ms Willis and Ms Stephenson spoke in support of the application. They advised Members that the current owners had been unaware that planning permission had not been given for the upper floor nor were they aware of the restriction on the number of children. In response to representations made regarding the impact of noise on the occupiers of neighbouring properties, they confirmed that fewer numbers of children were permitted outside at any one time than were under the previous ownership and that no objections had been received from Environmental Protection or Ofsted. They considered that the highway and parking issues were due to the nearby health centre rather than the day nursery.

The Committee noted there had been no complaints to Environmental Protection received relating to the operation of the premises. Members acknowledged that it was a retrospective application but also noted the comments regarding the owner's lack of knowledge of the absence of appropriate planning permission at the time that they purchased the nursery.

Resolved: That the application be approved, subject to the conditions, including the amended condition 3 and the additional condition relating to the opening hours as outlined above and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

7 PLANNING APPLICATION 16/0105 - 38 BANKS STREET

The Committee considered a planning application for external alterations to windows in side and rear elevations and use of premises as altered as three self-contained permanent flats with associated boundary walls and bike store, following demolition of single storey rear extension.

Mr Shaw presented the Committee with a brief overview of the application and site layout plans. He advised Members that the property was currently vacant and boarded up and had a long established history of multiple occupation, having had a certificate of lawfulness granted in 1989 for nine flatlets with the current layout having a mix of non-contained and self contained flats. The proposal was for a reduction in the number of units to three self-contained flats. The applicant had confirmed that each of the flats would be single occupancy and Mr Shaw suggested that a condition be attached to the planning permission, if granted, to restrict the flats to single person occupancy. Mr Shaw referred Members to the information in the Update Note stating that Environmental

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

Protection and Housing had confirmed that the applicant's other properties appeared to be well managed, were of a high standard, and there was no knowledge of any complaints regarding any of the properties. The Head of Transportation had confirmed that there were no objections on highway grounds.

Mr Lyall spoke in objection to the application with the main concerns being the impact on the character of the area and an increase in the noise and disturbance and anti-social behaviour due to the high concentration of similar establishments containing challenging individuals in a relatively small geographical area, to the north of the town centre.

Mr Shaw reported on discussions held with the applicant and his view that there was not an excessive concentration of similar establishments in this particular geographical area and officers from Environmental Protection and Housing had confirmed that the applicant's properties were well managed and that their tenants were carefully selected.

Responding to questions from the Committee, Mr Shaw reported on the independent nature of the residents of the applicant's existing properties and the processes used by the applicant to monitor and manage issues from the view of both tenants and nearby residents.

The Committee expressed concerns regarding the potential impact of the proposal on the area should the number of residents increase beyond three and suggested that, if permission was granted, an appropriate condition to enforce this limitation should be imposed. Responding to Members' concerns, Mr Shaw reported on the Council's statutory powers to deal with breaches of planning conditions and anti-social behaviour and noise issues.

Resolved: That the application be approved, subject to the conditions outlined in the report and an additional condition to restrict the flats to single occupancy use, and for the reasons set out in the Appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

8 PLANNING APPLICATION 16/0193 - 647-655 NEW SOUTH PROMENADE AND 2-8 HARROW PLACE

The Committee considered an application for external alterations to include front extension and whole roof lift, balconies to Harrow Place and New South Promenade elevations and use of premises as altered as 113 self-contained permanent flats with associated car parking, bin store, boundary treatment and highway works.

Mr Johnston presented the Committee with a brief overview of the application and site layout plans. He explained that the proposal was seeking to regenerate disused care homes and reconfigure Harrow Place to maximise the number of parking spaces on the one-way street to be created to provide a total of 81 on and off road car parking spaces for 113 flats. In Mr Johnston's view the proposed development was in a sustainable location with accessible bus, tram and train links. Mr Johnston presented the elevational plans for the proposed building and reported on the height and distances relative to

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

properties on Harrow Place and Clifton Drive. He confirmed that the majority of windows on the upper floors would be partially glazed to reduce the potential for overlooking houses and gardens in Harrow Place and Clifton Drive. It was acknowledged that a first floor balcony would extend close to the boundary and to 10 Harrow Place but a privacy screen had been proposed and therefore it was Mr Johnston's view that there would be no resultant privacy issues. It was acknowledged that there would be some impact on the residents of 104-106 Clifton Drive and 10 Harrow Place but this had to be balanced against the regeneration benefits of the proposed development.

Mr Johnston reported that the application would fund the open space requirement of £77,228 towards the provision or upgrade of off site open space but would not support the affordable housing requirement and having considered the viability information submitted by the applicants this had been considered appropriate. Mr Johnston referred Members to the Update Note that outlined a suggested amendment to proposed condition 15 relating to the obscuring of windows in the eastern elevation of the building and the affixing of a privacy panel to the eastern end of the first floor balcony to mitigate the impact on the occupiers of neighbouring properties.

Mrs Storton spoke in objection to the application. She reported on the significant number of objections and signed petitions that had been received in objection to the application. Although not averse to a reasonable development at the site, she expressed concerns relating to the impact of noise, loss of privacy and evening light on neighbouring properties due to the scale and shape of the proposed development and the inadequate parking provision contrary to policies within the Blackpool Local Plan and Core Strategy. She also suggested a further conflict with policy in that the proposed development was not in keeping with the character of the area, particularly in relation to the height relative to other properties in the area and in terms of the building line of the proposed development.

Mr Boniface, the applicant's agent spoke in support of the application outlining the regeneration benefits of the scheme and the employment opportunities. A viability study had been undertaken and this had been shown to be the only viable scheme to redevelop the vacant properties. He reported on the commitment to undertake the scheme and its aim to provide high quality family accommodation and the absence of any other planned development of the site.

Mr Cunningham also spoke in support of the scheme. He reported on the need for good quality accommodation in the area and the derelict state of the current properties. He expressed concerns at the impact on employees should the proposed development not proceed.

The Committee held an in-depth discussion on the proposed development during which Members acknowledged the need for development at the site but expressed concerns regarding the height and intensity of the proposed building. Further concerns were raised regarding the parking provision with only a relatively low amount of parking spaces for the exclusive use of the occupiers of the flats resulting in a reliance of a significant number of parking spaces that would be shared with the general public. In response to further concerns raised by the Committee regarding parking provision, it was reported that the intention was to provide a pay and display car park open to the general public

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JUNE 2016

with residents of the proposed development paying an annual charge for parking.

Mr Johnston reported on the sustainability of the location and its distance to a Local Centre and the cycle parking provision. He also mentioned that this was an attempt at a comprehensive redevelopment of this part of the Crescent/Harrow Place involving several different owners. He acknowledged the concern of the residents of neighbouring properties and reported on changes that had been made, for example the obscuring of windows and the installation of a privacy panel, to mitigate the impact.

Members of the Committee acknowledged the need for regeneration of the area but expressed concerns at the height of the building, the intensity of the proposed development and the level of car parking provision.

Resolved: To defer consideration of the application to a future meeting to allow the applicant the opportunity to amend the plans for the proposed development in view of the Committee's comments.

Background papers: Applications, plans and replies to consultations on the application.

Chairman

(The meeting ended 7.46 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

This page is intentionally left blank

Application Number 16/0052 – 3 Dunes Avenue, Blackpool - Retrospective application for use of first floor as extension to the existing children's day nursery and to allow an additional 10 children i.e. 25 per session in total.

Decision: Grant Permission

Conditions and Reasons:

1. 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 17th February 2016 including the following plans: Drawing No. DDN 101 Rev A (Present ground floor plan, original first floor plan and present first floor plan); Site location plan.

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

2. No more than 25 children shall attend the nursery at any one time.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part1: Core Strategy 2012-2027.

3. The nursery shall not operate outside the hours of 08:00 hrs to 18:00 hours Mondays to Fridays and not at all on Saturdays or Sundays or Bank Holidays/ Public Holidays.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part1: Core Strategy 2012-2027.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the driveway shall not be used for any purpose which would preclude the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part1: Core Strategy 2012-2027.

5. The nursery shall operate in accordance with the information submitted in the applicant's supporting letter dated 19th April 2016 relating to limiting the number of children playing out at any one time to 13.

Reason: In the interests of the amenities of local residents and in accordance with Policy BH3 of the Blackpool Local Plan 2001 - 2016 and Policy CS7 of the Blackpool Local Plan Part1: Core Strategy 2012-2027.

6. The premises shall be used as a children's day nursery and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended).

Reason: In order for the Council to retain control over other uses within Class D1 in the interests of safeguarding the character of the area, residential amenity and highway safety in accordance with Policies BH3, BH4, AS1, LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part1: Core Strategy 2012-2027.

Application Number 16/0105 - 38 Banks Street, Blackpool - External alterations to windows in side and rear elevations and use of premises as altered as three self-contained permanent flats with associated boundary walls and bike store, following demolition of single storey rear extension.

Decision: Grant Permission

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

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 23 February 2016 including the following plans: A015/201/P/01.

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

3. No flat shall be occupied until all of the external alterations and the internal layouts and arrangements have been provided in accordance with the plans hereby approved. The layout of the accommodation and arrangements hereby approved shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the accommodation accords with the Council's approved Supplementary Planning Document, to safeguard the living conditions of the occupiers of the flats and to improve the external appearance of the property in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, LQ10, LQ14, BH3 and HN5 of the Blackpool Local Plan 2001-2016.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority and each flat shall solely be occupied by one person unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and future occupants, and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy and Policies LQ1, BH3 and HN5 of the Blackpool Local Plan 2001-2016 and the National Technical Housing Standards.

This page is intentionally left blank

Report to:	PLANNING COMMITTEE
Relevant Officer:	Gary Johnston, Head of Development Management
Date of Meeting:	5 July 2016

PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Background Information

5.1 Planning/Enforcement Appeals Determined

5.1.1 15 King Street, Blackpool, FY1 3EJ (15/0345)

5.1.2 An appeal by Mr Omasan against the decision of the Council to refuse planning permission for the use of the first floor as a restaurant bar. **Appeal Dismissed**

5.1.3 A copy of the Inspector's decision dated 16th June 2016 is attached at Appendix 3a. The main issue is the impact of the proposal on the living conditions of the occupants of the adjacent first floor flat. The inspector concluded that, on balance, the proposal would have a harmful effect on the living conditions.

5.2 Planning/Enforcement Appeals Lodged

5.2.1 119 Newton Drive, Blackpool FY3 8LZ (15/0587)

5.2.2 An appeal has been submitted by Mr and Mrs Armstrong against the decision by the Council to refuse planning permission for the erection of two detached bungalows in the rear garden of the property.

5.2.3 411 Midgeland Road, Blackpool FY4 5ED (15/0531)

5.2.4 An appeal has been submitted by Mr Taylor against the decision by the Council to refuse prior approval for external alterations to the building and its use as a single dwelling.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

5.6 Appendix 3a – Planning Inspectorate Appeal Decision

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

This page is intentionally left blank

Appeal Decision

Site visit made on 11 April 2016

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th June 2016

Appeal Ref: APP/J2373/W/16/3143615

15 King Street, Blackpool FY1 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Frederick Omasan against the decision of Blackpool Borough Council.
 - The application Ref. 15/0345, dated 28 May 2015, was refused by notice dated 5 November 2015.
 - The development proposed is described as conversion of existing first floor offices to Class A Use restaurant - bar.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed change of use on the living conditions of the adjoining residential occupiers in terms of noise and disturbance.

Reasons

3. The appeal site is a mid-terrace unit located on the western side of King Street towards the eastern edge of Blackpool Town Centre. There is a shop unit on the ground floor and vacant office space above. It is proposed to convert the first floor into a restaurant/lounge bar with an ancillary office and store on the second floor.
4. The ground floors of most of the premises in King Street are in commercial use including several restaurants. However, on the upper floors a number appear to be in residential use, including the property adjoining the appeal site.
5. The drawings show seating for 30 people, though there is no reason why there may not be more standing at the bar. The appellant states that sound insulation would be put in, but even so, in such a restricted space, I consider that there would be considerable likelihood of the adjoining residents being unacceptably disturbed by noise from activity and possible music in the restaurant/bar and the comings and goings of patrons up and down the stairs. Although the appellant argues that there are other evening uses in the street, any noise is confined to the ground floor and the street outside rather than adjoining the main habitable rooms.

6. The appellant contends that the National Planning Policy Framework (the Framework) promotes sustainable development and economic activity and encourages diversity in town centres to enhance their vitality and viability. The Council acknowledges that such uses are directed towards town centres and that within such areas residents may expect a lower standard of amenity than in primarily residential areas. Nevertheless, the Council points out that the appeal site is within a less boisterous part of the Town Centre away from the concentrations of bars, clubs and restaurants nearer the sea front and it is not on a main thoroughfare. With a number of daytime uses in the street the area is generally quieter after about 5pm. Although the existing office use is not subject to hours of operation, by its nature it is most likely to be in use during the normal working day rather than into late evening.
7. I consider that, on balance, the proposed use would be detrimental to the living conditions of adjoining residential occupiers by way of noise and disturbance. It would not accord with saved policy BH3 of the Blackpool Local Plan 2001-2016 (adopted 2006) and emerging policy CS7 of the Blackpool Local Plan Part 1: Core Strategy – Proposed Submission (2014) which, among other things, seek to protect residential amenity. It would also not accord with one of the core principles’ of the Framework which is to always seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

Report to:	PLANNING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager, Public Protection
Date of Meeting:	5 July 2015

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

- 1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool during May 2016.

2.0 Recommendation(s):

- 2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

- 3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

- 4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

5.0 Background Information

5.1 Cases

5.1.1 New cases

In total, 38 new cases were registered for investigation, compared to 82 received in May 2015.

5.1.2 Resolved cases

In May 2016, 14 cases were resolved by negotiation without recourse to formal action, compared with 13 in May 2015.

5.1.3 Closed cases

In total, 31 cases were closed during the month (53 in May 2015). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

5.1.4 Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in May 2016 (none in May 2015);
- No s215 notice authorised in May 2016 (none in May 2015);
- No Breach of Condition notices authorised in May 2016 (none in May 2015)

- Two enforcement notices served in May 2016 (none in May 2015);
- Five s215 notices served in May 2016 (none in May 2015);
- No Breach of Condition notices served in May 2016 (none in May 2015);
- Three Community Protection Notices served in May 2016.

5.1.5 Enforcement notices / S215 / CPNs notices served in May 2016

Reference	Address	Case	Dates
14/8485	35 Station Road	Poor condition	S215 Notice issued 09/05/2016. Compliance due 16/09/2016 unless an appeal is lodged with the Magistrates Court by 16/06/2016.

15/8606	4 Gorse Road	Poor condition	S215 Notice issued 10/05/2016. Compliance due 15/09/2016 unless an appeal is lodged with the Magistrates Court by 15/06/2016.
14/8468	81 Egerton Road	Poor condition	S215 Notice issued 19/05/2016. Compliance due 24/09/2016 unless an appeal is lodged with the Magistrates Court by 24/06/2016.
15/8748	8 King George Ave	Poor condition	S215 Notice issued 20/05/2016. Compliance due 24/07/2016 unless an appeal is lodged with the Magistrates Court by 24/06/2016.
15/8172	1-3 Crystal Road	Poor condition	S215 Notice issued 31/05/2016. Compliance due 11/10/2016 unless an appeal is lodged with the Magistrates Court by 11/07/2016.
15/8398	50 Lyndhurst Avenue	Unauthorised change of use of the pedestrian passageway to form part of residential curtilage and without planning permission, the siting of a static caravan within the pre-existing and extended curtilage and use of the said static caravan for residential purposes independent from the main dwelling.	Enforcement Notice issued 19/05/2016. Compliance due 29/09/2016 unless an appeal is lodged with the Planning Inspectorate by 29/06/2016.

15/8411	151 Reads Avenue	Unauthorised sub-division of former single ground floor flat used for permanent residential use and its amalgamation with the former ground floor storage area to create 2 self-contained permanent flats	Enforcement Notice issued 19/05/2016. Compliance due 30/09/2016 unless an appeal is lodged with the Planning Inspectorate by 30/06/2016.
10/8163	8 Norbreck Road	Poor condition	Community Protection Notice issued 27/05/2016. Compliance due 22/07/2016 unless an appeal is lodged at Magistrates Court by 17/06/2016.
15/8031	67 Cocker Street	Poor condition	Community Protection Notice issued 24/05/2016. Compliance due 24/06/2016 unless an appeal is lodged at Magistrates Court by 14/06/2016.
16/8011	Land on south side Duke Street	Siting of a storage container and installation of fencing to top of container, and the laying of a brick base on the land to level the container	Community Protection Notice issued 26/05/2016. Compliance due 24/06/2016 unless an appeal is lodged at Magistrates Court by 16/06/2016.

Does the information submitted include any exempt information? No

5.2 List of Appendices:

5.2.1 None

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

This page is intentionally left blank

Agenda Item 5

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.



20 Western Avenue, Milton Park, Abingdon, Oxfordshire OX14 4SH
 T +44 (0)1235 821888 F +44 (0)1235 834698 E rps@rpsgroup.com W rpsgroup.com

Our Ref: OXF8675
Your Ref:

E-mail: [REDACTED]
Direct Dial: [REDACTED]
Date: 9 May 2016

Blackpool Council
 PO Box 17
 Corporation Street
 Blackpool
 FY1 1LZ

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.

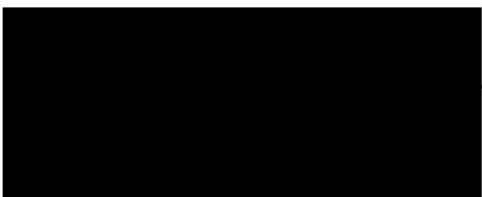
- Paragraphs 6.4 and 6.5 of the Applicant's statement review Local Plan policies RR7 and RR8. However, Appendix B of the Core Strategy states that these policies are now superseded by policies in the Core Strategy. These policies are therefore withdrawn and irrelevant to this application. The most relevant 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.

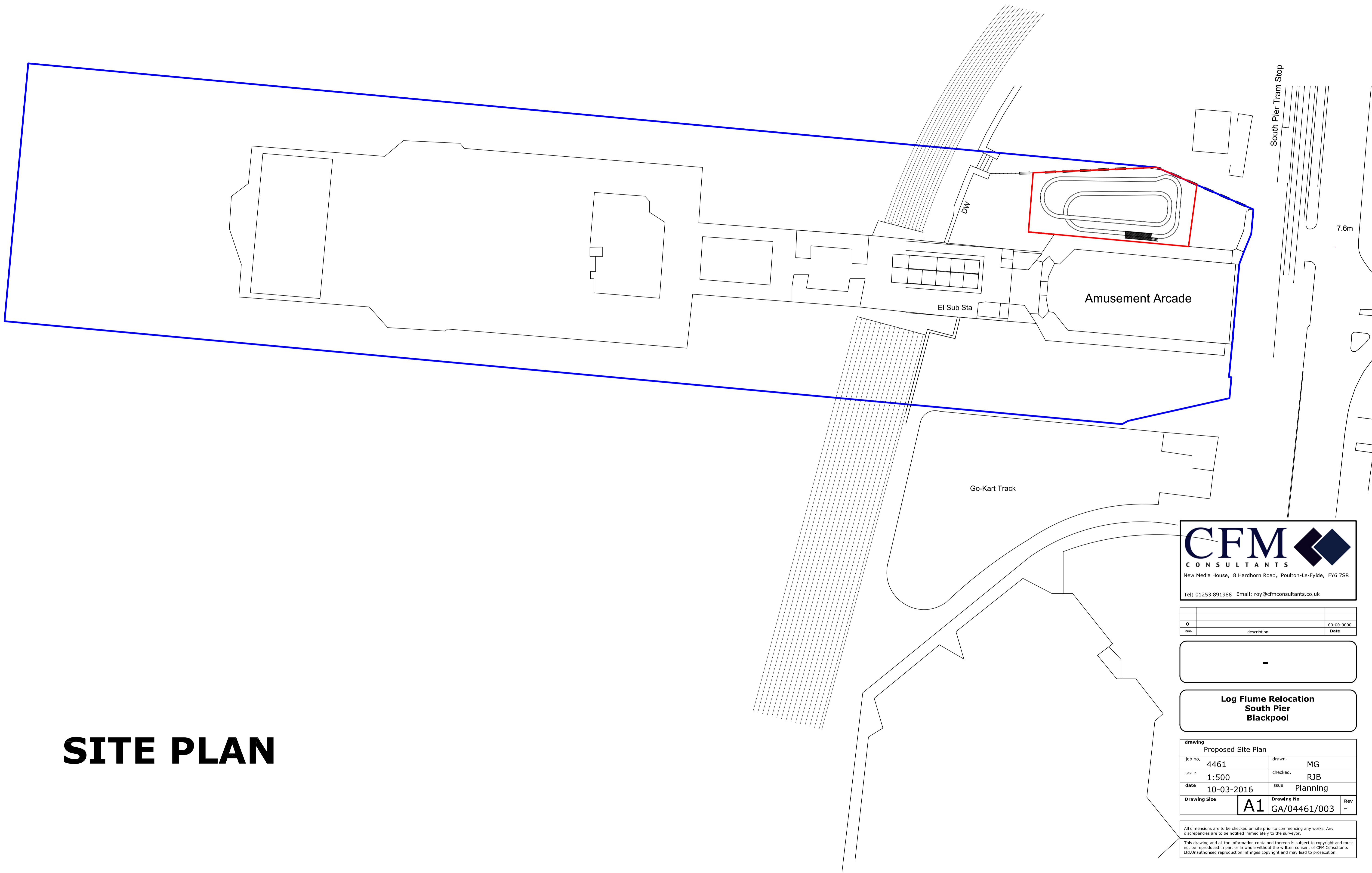
The above comments are without prejudice to our view that this planning application should be refused.

Yours sincerely
For RPS



Nick Laister
Senior Director

This page is intentionally left blank



SITE PLAN

CFM
CONSULTANTS

New Media House, 8 Hardhorn Road, Poulton-Le-Fylde, FY6 7SR

Tel: 01253 891988 Email: roy@cfmconsultants.co.uk

Rev.	description	Date
0		00-00-0000

-

Log Flume Relocation South Pier Blackpool

drawing Proposed Site Plan	
job no. 4461	drawn. MG
scale 1:500	checked. RJB
date 10-03-2016	issue Planning
Drawing Size A1	Drawing No GA/04461/003 Rev -

All dimensions are to be checked on site prior to commencing any works. Any discrepancies are to be notified immediately to the surveyor.

This drawing and all the information contained thereon is subject to copyright and must not be reproduced in part or in whole without the written consent of CFM Consultants Ltd. Unauthorised reproduction infringes copyright and may lead to prosecution.

This page is intentionally left blank