

Officer Report to Committee

Application ref:	21/0234
Ward:	Bloomfield
Application type:	Application for full planning permission.
Location:	Land adjacent to Central Pier, Promenade, Blackpool, FY1 5BB
Proposal:	Erection of a single storey building, canopy, decking and boundary treatment and use of premises as a bar and external seating area.
Recommendation:	Refuse
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1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application would result in the creation of a new bar and would facilitate economic growth for the applicant and site but, when considered in the context of the borough and its regeneration and economic aims, could undermine economic growth by undermining the Council’s wider strategy and town centre focus. The scheme could also undermine the comprehensive improvement of the Promenade and seafront area by prejudicing the implementation of public realm improvements which the seafront is safeguarded for.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application proposes the development of a bar in an edge-of-centre location and within the Central Promenade and Seafront designation which is safeguarded for public realm improvements such as sea defences, transport improvements, landscaping, public amenities and ancillary small-scale retail outlets. The proposed scheme constitutes piecemeal development which is not ancillary to existing tourist attractions and so would be contrary to policy and detrimental to the Council’s regeneration efforts concerning the sea front, Promenade and Town Centre.
- 2.2 The scheme would have a detrimental impact on the character of the area and heritage assets and their setting as the design of the scheme is not of a standard considered appropriate for such a prominent and sensitive location and does not integrate well with or enhance its surroundings.
- 2.3 As such, the recommendation for this application is for refusal.

3.0 INTRODUCTION

3.1 This application is before Members because it is a scheme of general public interest.

4.0 SITE DESCRIPTION

4.1 The application relates to land on the Promenade on the western side of the tram tracks and immediately adjacent to Central Pier. The site is to the north of the Pier and is approximately 344sqm, set back from the front of the pier building behind an area which is often occupied by inflatables and temporary pop-up structures. The site is currently occupied by the proposed development which has been in place since early 2018; it consists of single storey container units forming a bar, storage rooms, and toilets and external seating area on raised decking with a canopy and area for live entertainment. The decking is enclosed by low fencing and there are planters lined up in front of the decking.

4.2 The site falls within the Resort Core, Flood Zone 3, and the Airport Safeguarding Consultation Area and the area covered by the Promenade Article 4 Direction and the Central Promenade and Seafront designation, adjacent to the designated Coast and Foreshore. The site is also adjacent to Central Pier which is locally listed is in close proximity to the locally listed Huntsman building and the Foxhall Conservation Area.

5.0 DETAILS OF PROPOSAL

5.1 The application seeks retrospective planning permission for the use of the site as an outdoor terrace bar. The scheme includes four enclosed structures forming the bar itself, storage, and toilets. The rest of the site is occupied by raised decking for external seating.

5.2 The application has been supported by:

- Planning Statement
- Heritage Statement
- Flood Risk Assessment
- Sequential Appraisal

6.0 RELEVANT PLANNING HISTORY

6.1 **17/0747** – Use of land for an 18 hole themed adventure golf course including the erection of an associated ticket office, pump room and 2.4m high palisade boundary fencing. – Granted. High quality tourism attraction within the resort core.

16/0213 – Erection of a single storey building with canopy to house public toilets and lost child facility/commercial unit and external seating areas. – Granted.
Provides visitor facilities appropriate to the character and function of this section of the Promenade.

14/0796 – Use of land for an 18 hole themes adventure golf course including the erection of an associated ticket office, pump room and 2.4m high palisade boundary fencing.
High quality tourism attraction within the resort core.

14/0618 – Use of land for temporary siting of ‘Starflyer’ ride. – Withdrawn

14/0452 – Erection of a single storey building comprising toilet facilities and retail unit with ‘lost children’ area, formation of external seating area, and associated landscaping. – Granted.

Provides visitor facilities appropriate to the character and function of this section of the Promenade.

14/0005 – Erection of a single storey building comprising toilet facilities and retail unit, formation of external seating area, and associated cycle parking and landscaping. - Withdrawn

13/0515 - Use of land to the south of pier for the siting of a go kart track and use of land to the north of pier for the siting of a ‘star flyer’ attraction with associated development until 31 October 2013. – Withdrawn

Enforcement

21/8197 – Erection of terrace bar. – Open Case

18/8363 – Use of land for siting of outdoor bar, bouncy castle, and hot air balloon. – Open Case

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of this development in this location
- visual impact
- heritage impact

8.0 CONSULTATION RESPONSES

8.1 **Head of Highways and Traffic Management** – The proposal would not have a material effect on the passage of pedestrians or vehicles. No objections in principle subject to the provision of a proportionate serving management plan and a construction management plan demonstrating agreement with the Council for utility and drainage connections, vehicular access and plan access, storage and plan operations, and including a dilapidation survey.

8.2 **Council Drainage Officer** – The Flood Risk Assessment provided is acceptable. The standard drainage conditions (WATA and WATM) should be applied.

8.3 **Built Heritage Manager** – Central Pier is locally listed and is opposite the locally listed Huntsman building and the boundary of the Foxhall Conservation Area along Chapel Street. Whilst there would be no objection to a temporary pop-up outside bar with removable features, the design and materials which have been used in the permanent structures are poor and undermine the character of the pier and its setting. Therefore, refusal is recommended.

8.4 **Blackpool Civic Trust** – The application affects the open aspect of the Promenade. There are already concessions in front of Central Pier which make traversing the Prom to the sea dangerous and difficult. Allowing a permanent structure to be erected is contrary to policy and will open the Promenade to other similar applications. The application should be firmly rejected and the planning guidelines enforced.

- 8.5 **Environmental Protection (Amenity)** – Based on the number of complaints in relation to various activities at the piers a noise assessment is required. The noise survey condition should be implemented.
- 8.6 **Head of Strategic Asset and Estate** – The extent of the outside public bar must not exceed that land held within the freehold title LA828714.
- 8.7 **United Utilities** – Foul and surface water shall be drained on separate systems based on the drainage hierarchy. Should the application be approved it is strongly recommended that no construction commences until a Section 104 agreement has been accepted in writing by United Utilities. Water mains cross the site and so unrestricted access would be required for operating and maintaining them – development over or in close proximity to the main would not be permitted and an access strip would be required.

9.0 **REPRESENTATIONS**

- 9.1 Site notice published: 27/04/2021
- 9.3 Neighbours notified: 23/04/2021
- 9.4 A representation has been received from 11 Pharos Street raising the following issues:
- The development has been carried out without planning permission and it is unfair to business owners who go through the proper channels and expenses for planning permission.
 - If the application is approved it would open the floodgates for other similar development in Blackpool.
 - The bar is permanent and not a pop up bar.

10.0 **RELEVANT PLANNING POLICY**

10.1 **National Planning Policy Framework (NPPF)**

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 6 – Building a Strong, Competitive Economy
- Section 7 – Ensuring the Vitality of Town Centres
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 16 - Conserving and enhancing the historic environment

10.2 **National Planning Practice Guidance (NPPG)**

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS1 Strategic Location of Development
- CS4 Retail and Other Town Centre Uses
- CS6 Green Infrastructure
- CS7 Quality of Design
- CS8 Heritage
- CS9 Water Management
- CS21 Leisure and Business Tourism

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- RR1 Visitor Attractions
- RR11 Central Promenade and Seafront
- LQ1 Lifting the Quality of Design
- LQ2 Site Context
- LQ4 Building Design
- LQ5 Public Realm Design
- LQ7 Strategic Views
- LQ10 Conservation Areas
- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH17 Restaurants, Cafes, Public Houses, Hot Food Takeaways
- NE9 The Coast and Foreshore
- AS1 General Development Requirements (Access and Transport)
- AS7 Aerodrome Safeguarding

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has now been submitted for Examination in Public with the proceedings expected to be held later this year. At this point in time the weight to be attached to various policies is limited and depends upon the extent to which they are subject to objection. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- DM10 Promenade and Seafront
- DM15 Threshold for Impact Assessment
- DM17 Design Principles
- DM19 Strategic Views
- DM28 Non-Designated Heritage Assets
- DM31 Surface Water Management
- DM33 Coast and Foreshore
- DM43 Aerodrome Safeguarding

11.0 ASSESSMENT

11.1 Principle

11.1.1 Policies CS1 and CS4 seek to direct retail and other town centre uses to the town centre, district centres, and local centres and section 86 of the NPPF sets out that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre or in accordance with an up-to-date plan. The glossary of the NPPF describes the uses which can be considered main town centre uses and includes leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls). In accordance with this definition, the proposed scheme is considered a main town centre use located on the edge of an existing designated centres and therefore would only be permitted subject to the criteria set out under section 3 of policy CS4. These criteria are:

In edge of centre and out of centre locations, proposals for new retail development and other town centre uses will only be permitted where it can be demonstrated that:

- (a) It is a tourism attraction located in the Resort Core in accordance with policy CS21; or*
- (b) There are no more sequentially preferable, appropriate sites available for the development; and*
- (c) The proposal would not cause significant adverse impact on existing centres; and*
- (d) The proposal would not undermine the Council's strategies and proposals for regenerating its centres; and*
- (e) The proposal will be readily accessible by public transport and other sustainable transport modes.*

11.1.2 The supporting statement submitted with the application states that the proposal meets criteria (a) as the site falls within the Resort Core and is a tourism attraction. Whilst it is acknowledged that the site falls within the Resort Core, the proposed use of the premises is not considered to be a tourism attraction in accordance with Policies CS21 and RR1. The policy sets out that high quality tourism development including ancillary retail and food and beverage uses specifically related to marketing the existing tourism offer will be supported which complements and reinforces the role of these existing important attractions. Whilst the proposed bar would be located adjacent to North Pier, this does not mean that it is ancillary to the existing tourist attractions on the pier and is not specifically related to the marketing of those attractions. A bar in itself cannot be considered to be a tourist attraction. A survey conducted in June/July of 2021 has been submitted which shows that approximately half the visitors to the bar that completed the survey had also visited/would also visit the Pier that day. This survey has been submitted with the intention to demonstrate an ancillary use in connection with the Pier. However, this does not necessarily reflect that the bar is ancillary to the Pier as opposed to it being sited in a convenient location in close proximity to the Pier. For the bar to be ancillary to the Pier it would need to cater almost exclusively to visitors to the Pier during their visit. It is clear from this data that this is not the case, and the design and layout of the bar itself does not suggest an ancillary relationship with the Pier. It is a clearly a separate unit with the only linking factor being that it is located on land adjacent to and within the same ownership as the Pier. The premises cannot be accessed directly from the pier and does not integrate successfully with the existing attraction.

- 11.1.3 In light of the above, a sequential test would be required to demonstrate that there are no appropriate alternative sites available in a more sequentially preferable location. Due to the nature of the proposal it would be reasonable to focus the area of search on the town centre, and flexibility of 10% either way in terms of the floor area should be applied. This means that in this case the search should include alternative sites with an area between 310sqm and 378sqm with open external seating space. The appraisal has identified 36 premises listed on Rightmove and has discounted the majority of these because they are not outdoors. However, the applicant has not justified the need for the bar to be open-air and has not demonstrated any degree of reasonable flexibility in this regard. Nevertheless, opportunities on the former Syndicate site and at Blackpool Central for open air bars have not been considered. Should the Council be minded to approve the development it would be necessary to request further consideration of flexibility and assessment of these sequentially preferable sites. As submitted, the application fails the sequential test.
- 11.1.4 With regard to the remaining criteria set out by Policy CS4, the applicant has claimed in their supporting statement that the scheme would comply with (c) and (d) as the scheme provides a bar next to the pier on the sea front and so would not compete with more traditional 'inside bars' and that the bar fits well with the Pier leisure offer and alongside the Blackpool Central leisure offer. However, this claim is unsubstantiated and does not appropriately consider the impact on existing centres. The bar may have a somewhat different character to many bars in the town centre but it is still a town centre use in an edge-of-centre location. An unjustified approval in this instance would make it harder for the Council to resist similar schemes in similar circumstances which could lead to significant cumulative harm. No detailed assessment of this impact has been provided. With regard to (e), it is not disputed that the site is within a highly accessible location, in close proximity to the tram services. However, to be considered acceptable in principle the scheme must comply with all of the criteria from (b) – (e) which it does not.
- 11.1.4 Policy RR11 sets out that 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 adjoin Promenade frontages and the Piers. Improvements will establish a high quality public realm and include limited provision of ancillary small-scale retail outlets and development that would prejudice the implementation of these improvements or undermine the comprehensive improvement of the Central Promenade/Seafront Area will not be permitted. As previously mentioned, the proposed development is clearly not ancillary to any existing tourism attraction and is instead its own unit and premises located in close proximity to the Pier. Emerging policy DM10 expands on this principle and states that piecemeal development will not be permitted and, excluding the piers themselves, new development on land to the west of the tram track will not be permitted other than green infrastructure, essential infrastructure, ancillary shelters, seating, public art, and public realm improvements. No substantive objections have been received against this policy and so it can be accorded some weight. The proposed development would be contrary to these policies and whilst all applications must be considered on their own merits, a disregard of adopted standards and approval in this instance would also make it harder for the Council to resist similar schemes in similar circumstances and would lead to more significant cumulative harm which would prejudice comprehensive improvements to the Promenade.

11.1.5 In addition to the sequential appraisal for alternative commercial sites, for a development within Flood Zone 3 a sequential appraisal for sequentially preferable sites within Flood Zones 2 and 1 is also expected. The applicant has submitted a Flood Risk Assessment and within the report has addressed the need for a sequential appraisal and exceptions test. Having considered the vulnerability of the proposed use, the report concludes that sequential and exceptions tests are not required. However, this is not the case. Whilst it is accepted that in accordance with Table 3 in the NPPG an exceptions test is not required for less vulnerable developments in this location, a sequential test is required for all development within Flood Zone 2 or 3 except for minor development or development constituting a change of use. As such, a Flood Zone sequential test should have been carried out alongside the standard commercial sequential test which identifies sequentially preferable sites within Flood Zones 1 and 2 that also fall within a designated centre. However, as there are other significant issues with the principle of the development that would preclude the acceptability of the proposal, a Flood Zone sequential test has not been requested as it would be considered abortive work.

11.2 Design and Visual Impact

11.2.1 In accordance with Policies CS7 and LQ1 new development in Blackpool is required to be well designed and enhance the character and appearance of the local area. The application site is in a particularly prominent and highly visible location on the Promenade and is in close proximity to valuable heritage assets. The proposal includes four box-shaped structures housing a bar, storage, and toilets, a large canopy over the seating area adjacent to the bar and a smaller canopy on the opposite side of the decking over a stage. The decking itself is raised by approximately 0.5m and is enclosed by a balustrade made of vertical columns. As the application is retrospective the development has already been carried out. As existing, planters have been lined up in front of the decking and the side of the decking and walls of the structures are clad with faux grass.

11.2.2 The open nature of the site means that all of the structures are highly visible. The canopies in particular have not been designed to integrate well with the development and make the site appear cluttered. The structures themselves have a minimalistic design which in this case makes them appear akin to moveable temporary modular units which perpetuates the cluttered character of the site and does not deliver the kind of high-quality design required in this location. Though not included on the proposed plans, the planters and cladding currently in situ add to the cluttered appearance.

11.2.3 It has been claimed that the bar is considered ancillary to the Pier, however it is clear both from the use of the site and the design that the development does not integrate well with the Pier. There is no direct access from the Pier and the site has been laid out so that it faces away from the Pier, back to back with the large side elevation of the Pier building. There is no coherency between the appearance of the development and that of the Pier. The application site sits in the foreground of the Pier and does not enhance the appearance of the Pier when viewed from the Promenade.

11.3 Heritage Impact

11.3.1 The application site is adjacent to the locally listed Central Pier, opposite the locally listed Huntsman building, and in close proximity to the Foxhall Conservation Area. The erection of a permanent structure in this location has the potential to significantly affect the character of the area and have a harmful impact on these heritage assets. As previously mentioned, the development is not designed in a way which complements or enhances the Pier and obstructs views of the seaward end of the Pier. The materials used for the development are not appropriate for the location and undermine the character of the Pier and its setting. There are already a number of temporary structures erected in close proximity to the Pier and to allow a permanent structure of a poor design which adds to the clutter and does not enhance the character and appearance of the Pier would be detrimental to the locally significant heritage asset and its setting.

11.4 Amenity Impact

11.4.1 The application site is in a highly trafficked area within the Resort Core and in close proximity to the Town Centre. There are no residential properties in close proximity, however there are various hotels nearby. The development would be predominantly open and includes a significant amount of external seating as well as covered stage for live entertainment. Historically, a large number of complaints have been received regarding various activities at the Piers. As such, the Council's Environmental Protection team has requested that if the development is to be approved a noise assessment would be required. Subject to a noise assessment and appropriate mitigation measures, due to the location of the development it is not considered that the proposal would have an unacceptable impact on amenity.

11.5 Other Issues

11.5.1 The development is located on private land and does not project beyond the eastern end of the Pier where it could interfere with pedestrian passage or the tram tracks. It is in an accessible location where there is already a lot of foot traffic and it is not considered that the proposal would result in a significant increase in traffic generation or parking demand. It is not considered that the siting of the development itself would have an unacceptable impact on access, highway safety, or parking demand, however due to the prominent location if the development were to be approved a Construction Management Plan should be conditions which includes the agreement of utility and drainage connections, vehicular and plant access, and storage and plant operations. A highway dilapidation survey would also be required.

11.5.2 The application site falls within Flood Zone 3 and therefore a Flood Risk Assessment is required. An Flood Risk Assessment has been submitted with the application and reviewed by the Council's Drainage Officer who has confirmed that the information is acceptable. However, in the event of an approval the standard drainage conditions regarding a sustainable drainage scheme and drainage maintenance plan should be applied. Arrangements would need to be made with United Utilities by the application regarding impact on sewer connection, waste water assets, water supply etc.

11.5.3 The proposed development would not affect any features of particular biological interest.

11.5.4 The scheme would not affect water, land or air quality and there is no reason to suppose that the site would be at undue risk of contamination.

11.5.5 The application has 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 (as amended).

11.5.6 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

11.6 Sustainability and planning balance appraisal

11.6.1 Sustainability comprises economic, environmental and social components.

11.6.2 Economically the scheme would support the operation of Central Pier as a tourist attraction through revenue generation. However due to the location of nature of the scheme the development could be detrimental to the Council's economic objectives as the development would not be focused within any designated centres and would not directly support the function of any major tourist attractions as an ancillary element. Some employment would be generated by the scheme.

11.6.3 Environmentally, the scheme is not anticipated to have a detrimental impact on environmental quality and biodiversity and appropriate drainage details would be secured via condition should the scheme be approved. However, the scheme would have a detrimental impact on the character of the area and its setting as the design of the scheme would not integrate well with the surroundings and is not of a quality which would be considered appropriate for the prominent and sensitive location.

11.6.4 Socially, the scheme would have limited impact on residential amenity, though in the event of an approval a noise mitigation scheme would be required to safeguard visitor amenity. By virtue of its siting and appearance the scheme would be harmful to prominent heritage assets and would have a detrimental impact on the character of the Pier and its surroundings. The development would also conflict with Council policies and would undermine the Council's regeneration objectives and aims for the area by siting a main town centre use development in a location which would detract from the designated centres and would conflict with goals for the regeneration of the seafront beyond the tram tracks.

11.6.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12 CONCLUSION

12.1 As set out above, the scheme is not judged to represent sustainable development and no other material planning considerations have been identified which would outweigh this assessment. On this basis, planning permission should be refused.

13.0 RECOMMENDATION

13.1 Refuse for the following reasons:

- 1 The proposed scheme would result in the development of main town centre use outside of any designated centres and would involve development on the Promenade frontage which is safeguarded for public realm improvements. The proposal does not meet the criteria which would justify development of a main town centre use in this location and would undermine the Council's regeneration efforts regarding the Promenade and sea front by allowing piecemeal development which does not enhance existing tourism attractions or include high quality public realm improvements. As such, the proposal would be contrary to Policies CS1, CS4 and CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy RR11 of the Blackpool Local Plan 2001-2016.

- 2 The proposed development would not constitute a high quality design and would result in the space adjacent to the Pier appearing cluttered. The development does not integrate well with the Pier and the materials and design of the proposal do not complement the existing structures or enhance the appearance of the Pier. The development would also obstruct views of the Pier from the Promenade. It would therefore cause significant harm to the character and setting of the Pier and Promenade and the setting and value of nearby heritage assets. As such, the proposal would be contrary to Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1, LQ2, LQ7 and LQ10 of the Blackpool Local Plan 2001-2016.