

Planning Application Reports – Update Note

Listed below are changes to the planning reports made as a result of additional information received since the publication of the agenda for this meeting.

Case: 21/0517

Address: Land bound by New Bonny Street, Bonny Street, Chapel Street and Central Drive (Blackpool Central hybrid application)

Update:

Parking

In the officer report it is stated that some 150 parking spaces would be lost from the site during the construction of the multi-storey car park. It is now understood that the loss would be more in the region of 250-275 due to the positioning of the site compound area. This weighs against the application in the planning balance but is not considered to materially affect the conclusions of the report and the recommendation remains as stated.

Environmental Statement

The Environmental Statement includes some inconsistencies and is unclear in places. A number of corrections and minor amendments have been made. The climate change chapter has not been undertaken in accordance with industry best practice guidance. However, the Environmental Statement has been reviewed on behalf of the Council by consultants with appropriate qualifications and experience of the Environmental Impact Assessment regulations. Overall the amendments and inconsistencies do not affect the assessment and findings of the Environmental Statement and the document is agreed and accepted.

Existing businesses

The officer report incorrectly states that the Bonny Street market is no longer trading. Nevertheless, the potential loss of employment from the market has been taken into account as part of the Environmental Statement and it is noted that alternative retail space exists in the town centre to accommodate the relocation of any businesses on the application site. Furthermore it should be noted that any businesses that become subject to a Compulsory Purchase Order could receive appropriate compensation through this process. As such this error is not considered to have a material impact upon the assessment or recommendation of the officer report.

Impact on the Courts

The agent acting on behalf of Her Majesty's Courts and Tribunal Service (HMCTS) has written to confirm that:

Paragraphs 9.10 – 9.11 of Committee Report are an accurate account of the concerns we have raised on behalf of HMCTS, as well as the discussions that have taken place between ourselves, HMCTS, the

applicant and their agent throughout the determination period, that have resulted in the drafting of specific planning conditions that seek to protect the continued operation of Blackpool Magistrates and County Court. It is understood that these planning conditions will be included on the decision notice should planning permission be granted.

The conditions agreed between Her Majesty's Courts and Tribunal Service and the applicant have largely been incorporated into the list provided to Members, but some amendments have been made to incorporate requirements from other areas and to provide clarity and consistency.

Pleasure Beach objection

Officers are aware that a further letter of representation (attached as Appendix A) has been circulated to Members by the Pleasure Beach. As a copy of this letter has been made available to officers in sufficient time for proper consideration to be presented to the Committee, it can be taken into account.

The representation further sets out the view of the Pleasure Beach that the proposal would conflict with Policy CS20 of the Core Strategy. It is stated that the scheme has changed significantly since it was presented to the Council's Executive Committee in 2018. The Pleasure Beach asserts that the scheme would not provide a compelling new reason to visit Blackpool and would undermine the Pleasure Beach as an existing attraction. The dictionary definition of a theme park is provided and it is suggested that they do not differ materially to an amusement park such as the Pleasure Beach.

The letter also states that the visitor numbers to the Pleasure Beach as set out under paragraph 11.1.39 which were from 2007 do not reflect current annual visitor numbers.

Finally, the representation again seeks a condition restricting mechanical rides to no more than 10% of the floor space provided. It is stated that no condition imposed could prevent use of the development as a theme park/amusement park.

The applicant, Nikal, has also submitted a letter to respond to the points raised by the Pleasure Beach. This is attached as Appendix B. This letter provides some information on the proposal and sets out the benefits the applicant believes would be delivered. It also details the consultation undertaken in respect of the scheme.

The main report provides an assessment of the leisure proposals and their degree of compliance with Policy CS20 of the Core Strategy. Condition 5 that is recommended to be imposed on any permission granted would require the development as a whole to be in broad accordance with the Statement of Intent submitted by the applicant with each indoor theme park following this theme. This would ensure that the various leisure elements of the development would be unified under a coherent theme to provide an attraction of sufficient scale and significance to best meet the expectations of Policy CS20.

Members are respectfully advised that the description of development is for the erection of three indoor theme parks. Any condition that sought to prevent this type of development from being delivered on site would be unreasonable. As set out in the officer report, the scheme proposed is considered to be sufficiently new and complementary in nature to the existing offer as to adequately meet the expectations of policy. This conclusion is based on the inclusion of the flying theatre, the fact that the attractions would be indoor and therefore year round, and on the understanding that they would be high-quality, themed and branded.

In paragraph 11.1.25 of the officer report it is stated that a condition could be imposed to require agreement of internal design, fittings and appearance. Upon further consideration, condition 5 as drafted is considered to be the most appropriate way to ensure compliance with Policy CS20 as far as is possible and reasonable within the bounds of the planning system.

As stated in the officer report, the Pleasure Beach's request for a condition to limit mechanical rides to 10% of floorspace is considered to be unreasonable and unjustified. It is understood that the intention is to ensure that mechanical rides are an ancillary element of the development. However, this would introduce an unreasonable restriction given the description of development.

Notwithstanding this consideration, there is no established numerical definition of 'ancillary' within the planning system and no evidence is available to suggest that a higher level of provision would be unacceptable in planning terms.

The comments with regard to visitor numbers to the Pleasure Beach are noted. However, the information presented to Members is the best that is available. It must also be noted that current annual visitor numbers are likely to be affected by the implications of the Covid pandemic.

Members are respectfully advised that their obligation is to make a decision in respect of the application that is reasonable in planning terms. Policy CS20 of the Core Strategy sets out the Council's aims and objectives for the wider Leisure Quarter allocation. Members must form a view on the extent to which the proposal complies with that policy and accords with the overall Development Plan for Blackpool. Any conflict with Policy CS20, or indeed the provisions of the Development Plan as a whole must be weighed in the overall planning balance taking all material planning considerations into account.

The comments provided by the Pleasure Beach have been considered by officers but are not judged to substantively affect the assessment or conclusions reached in respect of the application. As such the officer recommendation remains as stated.

Recommended conditions

It is respectfully recommended that the conditions attached to this note, listed at Appendix C and detailed at Appendix D, are imposed on any permission granted.

Members will note that no conditions are proposed in relation to managing noise or disturbance from events or to remove permitted development rights. This is because events would require a specific licence, the application process for which would properly consider potential environmental and amenity impacts. The permitted development rights that could apply to the uses hereby approved are subject to prior approval requirements that would give the Council adequate control over development.