

Blackpool Council

14 April 2023

To: Councillors Baker, G Coleman, Farrell, Hunter, Kirkland, O'Hara, Sloman and Stansfield

PLANNING COMMITTEE

Update Note and Public Speakers List

Please find attached the Update Note and Public Speakers List for Wednesday, 26 April 2023 meeting of the Planning Committee.

Agenda No **Item**

8UPDATE NOTE AND SPEAKER'S LIST (Pages 1 - 10)

9FURTHER UPDATE: COMMENT RECEIVED AFTER PUBLICATION OF UPDATE NOTE (Pages 11 - 12)

Yours sincerely

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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: 22/0506

Address: Flagstaff Gardens

Since the publication of the Committee Report, the applicant has submitted a statement dated 21/04/2023 which is appended to this Update Note.

This update note responds to that statement:

Point 1 – Loss of public open space

The appropriation of the land does not change the Local Plan designation, which remains open space and green infrastructure. As such, the tests set out in CS6 and para 99 of the National Planning Policy Framework would need to be passed for the proposals to be acceptable in principle. To re-iterate, those tests are:

- An assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or
- The loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location: or
- The development is for an alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current use.

The latest Open Space Assessment confirms that there is a huge shortfall of open space and green infrastructure provision in this area and the wider Inner Area. The space is not therefore, surplus to requirements, no replacement provision is proposed and the proposal is not an alternative sports and recreation use with benefits that would outweigh the loss of open space. Unfortunately a lot of parks and open space are covered in dog mess. That does not mean we should develop those parks and open spaces.

Point 2 – Public health

The Local Planning Authority could not reasonably condition that the development functions in accordance with a mission statement. Once on the ground, the directors/food operators/mission statement could change with no control. The venue would simply comprise various food and drink units and the LPA could not control what food is sold, how it was prepared or cooked, where it was sourced or where it is consumed.

Comparison is made to Abingdon Street Market, but this is a long established indoor market which has always had food outlets and is in the Town Centre. The two are not comparable.

Point 3 – Design and appearance

As stated in the Committee Report, container parks have been permitted elsewhere, but only on a temporary/meanwhile basis and in more industrial and built up settings. Reading the associated

Committee and delegated reports for such developments, most confirm that shipping containers are poor design and would only be acceptable on a temporary basis until expected permanent development comes forward, as part of a master plan or planning application for wider regeneration.

The new Boxbark which was approved earlier this year in Liverpool, is in the Baltic Triangle (industrial/warehouse setting) and is within an existing building (Cains Brewery) so is not comparable.

Point 4 – White Tower

The Sandcastle is a significant leisure asset which draws a lot of visitors into the town and this will have weighed heavily in its favour in the planning balance. The proposal would serve visitors, but would not be a leisure destination in its own right.

The public toilets are essential infrastructure which could not have been accommodated elsewhere and the large screen on the White Tower does not have consent to be displayed from the Local Planning Authority.

Point 5 – Amenity

The Mission Statement confirms that there will be live music but that the stage provides an opportunity for children's face painting and cooking demonstrations. On the 12 April, the Blackpool Gazette quoted the applicants in an article on the proposal which said the site would include seating for up to 400 diners and be designed with entertainment space so it could host events and music, with screens to show big sporting occasions.

The statement includes a link to a CGI video to demonstrate the look and feel of the development. A screen grab from the video shows live music on the stage, large speakers above and a large screen:



The Local Planning Authority could not reasonably grant planning permission for a stage and then impose a condition precluding its use as a stage. There is permanent and visitor accommodation in close proximity to the site. The presence of a stage and the potential for noise from amplified music and sporting events needs to be assessed in a noise assessment and such an assessment is absent.

The odour assessment is being required by United Utilities and they have confirmed that their tank contains stagnant water. If smells do present and customers are put off, I expect United Utilities are concerned that they would be expected to do something about it where presently, these are not issues.

On a separate matter, some of the containers are shown on landscaped areas which are currently teeming with nesting sparrows. The Committee should be aware that if permission were to be granted, the applicants could not move on site until after the bird nesting season.

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APPLICATION REFERENCE 22/0506

APPLICANTS UPDATE STATEMENT – 21/04/2023

In advance of the planning meeting on Wednesday the 26th April 2023 and following the planning officers report to committee and recommendation for refusal, we would like to provide the committee with clarification on the points which the recommendation for refusal is based.

Point 1 – Loss of public open space

When the original development was proposed to Blackpool Council back in 2019, Flagstaff Gardens was designated Public Open Space. The site has had previous temporary developments on it (Carnesky's Ghost Train), and there had recently been a Danfo toilet block constructed at the south end. However, in terms of leisure activities, the site was generally unused by the public. The north half of the site has underground storm water overflow tanks owned by UU, and this necessitates a paved finish to allow periodic maintenance visits with a crane to service the pumps (usually twice a year). The paved surface is reasonably level but not enough to make it a safe surface for sports use. The remaining south half of the site is laid with grass but unfortunately is only used as a dog toilet and is covered with dog mess. Our initial presentation was that, although this is public open space, it is unused, and the benefits of the development would far out way the loss of an unused and unappealing open space.

However, since our original application, the site has been reappropriated by the council's legal department and so is now designated for leisure use. This point is therefore no longer applicable.

Point 2 – The proposal would exacerbate the oversupply of hot food takeaways and would compromise the ongoing efforts to improve public health and reduce childhood obesity.

There seems to have been a misunderstanding by the planning officer in terms of our proposal in relation to the finer details. Although we anticipate the vast majority of our customers will be tourists (which makes the point of adverse local effects less relevant), our original Mission Statement written and submitted in 2019 (copy attached at the end of this statement) clearly details the ethos of the business. We are not intending to be a takeaway venue, but rather a destination for high quality authentic streetfood delivered in an ethical, considerate and sustainable way. Our plans clearly demonstrate the ability to seat around 300 people. We are looking to source as many of our ingredients as we can locally, not only to minimise our carbon footprint, but also in an attempt to ensure high quality ingredients (the first step necessary for a healthy food offering) and to boost the local economy. We intend to offer portion choice to not only to minimise waste but as a healthy option. We will cater for all food tastes with healthy alternatives including vegan, vegetarian and low-sugar for example. Two of the director's wives have Type 1 diabetes and we have first-hand experience of the difficulty obtaining low and no sugar food for example. We also have grandchildren and friends who are vegetarian and vegan, and although veggie and vegan food is not exclusively 'healthy', it can be made so, and certainly promotes eating a healthier, more plant-based diet. We also intend to apply for BC's Healthy Choice Award (and in fact two of our proposed catering managers have just achieved this with their current food outlet).

Point 2 – Continued...

It is true to say there are probably a good deal of poor quality, unhealthy food offerings in the area but rather than Southbeach Streetfood adding to that problem, we rather hope it will motivate those with poor offerings to improve their standards and choice of healthy alternatives in the light of increased competition. The net result should be better quality, more healthy and diverse food available.

We note the recent approval of a similar (in relation to the presence of multiple food outlets) development at the regenerated Abingdon Street Market where an increase in food outlets was not a consideration as it was a sit-in food destination. In this respect Southbeach Streetfood is the same, albeit we have stated our specific intention to offer healthy alternatives.

Point 3 – Poor design and appearance.

Of course, design aesthetics are a personal preference but we rather think Southbeach Streetfood is well designed, aesthetically pleasing and be a vast improvement on the current state of the site as it has been for many many years. Blackpool Promenade, by its very nature is an eclectic mix of design types and styles. This perhaps makes a fairly unusual development of this nature fit in easily. There are many examples of container-based developments in the country, including in the middle of historic York (Spark), on Wembley Way, London (Boxpark Wembley) and even in the middle of Cheshire Oaks. There are also several others in development throughout the country with the biggest operator, Boxpark now expanding out from their three London locations with confirmation in January 2023 that planning permission was granted by Liverpool council for a £3.5million. We had pre-application advice and changed the colour palette of the containers at the planning officer's suggestion to pastel shades to more easily blend in with the surrounding area.

Whilst the planning officer may not consider a container development to her taste, that is clearly not the view with other parts of the country and contradicts the overwhelmingly positive feedback we have obtained from the general public through local press and online exposure from news articles. There seems to be some opinion that shipping containers will not survive the harsh weather conditions on Blackpool Promenade. Obviously, we have taken advice on the most appropriate paint coatings to use to provide enhanced protection but we should also remember, shipping containers are designed to spend most of their lives in the middle of the sea in the most harsh of conditions.

In the event members of the committee have not seen the CGI video we have created to better demonstrate the look and feel of the development, we have included the link below.

<https://www.youtube.com/watch?v=UGdxiG8STB0>

Point 4 – Adverse effects on the character of the Grade II Casino Building and its White Tower.

Whilst we again concede these opinions are subjective, we struggle to understand why Southbeach Streetfood would constitute harm to the casino building but the Danfo public toilets, Sandcastle building or the large screen installed on the building itself would not.

Point 5 – Lack of safeguarding to the amenities of future users.

We have previously had a noise risk assessment completed which clearly demonstrated there would be no adverse effects of the local area caused by noise from the site. There seems to be some confusion over the presence of a stage on site and perhaps thinks the planning officer worries we might have loud bands on stage. As we state in the Mission Statement, we would like to play gentle back-ground Spanish Guitar if we are promoting a Tapas event, not loud rock music. We are a sit-in family orientated food destination and would expect loud music playing would rather detract from the experience than enhance it. We have included a stage to provide the opportunity for children's face painting or cooking demonstrations rather than something more sinister. We do have plans for a large TV screen, primarily as a promotional tool for events on site and around Blackpool. Once again we reiterate this will be a family friendly food destination not a place for stag and hen parties to watch the world cup.

There has been a suggestion an odour risk assessment is required. This is surprising as there has never been an issue with bad smells on the site, the underground tanks house storm water (which would be agitated during periods of rainfall and therefore not be stagnant), and in any event, this would be self-policing. If the site was smelly, no-one would come.

mission statement

The ethos for Southbeach Streetfood is to deliver high quality, authentic streetfood in an ethical, considerate, and sustainable way for both passing tourists and local Blackpool residents.

We believe this can be achieved using locally sourced ingredients and employing local people. Preliminary conservative sales projections will enable the creation of over 80 full time local jobs.

The directors have past experience of collaboration with B&FC and hope to recruit with the help of the college and offer an exciting career path for local students. We also believe this will be an exciting opportunity for new industry recruits to gain experience and engage with us to develop the streetfood experience as a whole.

We expect to be able to offer appropriate staff year-round employment where they are kept retained even when the venue closes for the winter period to provide fair and considerate employment. It is not our intention to utilise so-called zero-hour contracts for any staff. Ultimately the success of the venue relies on committed, engaged and motivated staff and we hope this collective responsibility will result in a profit share scheme to further reward their achievements.

The directors all live, and have existing businesses locally and are committed to providing a venue which will be an asset to Blackpool and help increase both visitor numbers and sustained, fair and rewarding local employment.

We also hope to compliment a fantastic food experience with live music events from local artists to create the perfect atmosphere (think Spanish guitar with your tapas rather than heavy metal with your burger...).

Southbeach will be a fun, family friendly venue, catering for all ages and food tastes including vegan, vegetarian, low-calorie and those with food allergies and intolerances. The diverse menu will introduce cuisine from around the world which has become common in the UK's bigger cities but is largely missing from Blackpool's current menu offerings.

As well as minimising our carbon footprint with locally sourced ingredients and staff, we will use 100% LED lighting and energy efficient appliances. Menus will also be designed with portion choice in mind to minimise food waste and with consideration to deliverability to the consumer in 100% recyclable containers.

Southbeach aims to bring new life to Flagstaff Gardens and become the food experience in Blackpool.

PLANNING COMMITTEE
26 April 2023 – ORDER OF BUSINESS

AGENDA ITEM NO /Recommendation	DESCRIPTION	ORDER OF BUSINESS	DETAILS
Agenda Item 6 Application 22/0506 Officer's recommendation: Refuse Pages 25 to 58	Erection of 19 shipping containers (part single and part two storey) and use of the land as food and drink venue comprising outdoor seating areas, roof terraces and canopy, external glazed balconies to upper floor, a stage and refuse store, with associated landscaping and bollard at Flagstaff Gardens/Osborne Road. FLAGSTAFF GARDENS/OSBORNE ROAD	INFORMATION FROM OFFICERS	
		OBJECTOR/S	
		APPLICANT/AGENT/SUPPORTER	1. Jamie Willacy, Southbeach Streetfood (UK) Limited, Applicant. 2. Andrew Bradshaw, Southbeach Streetfood (UK) Limited, Applicant.
		WARD COUNCILLOR	Councillor Derek Robertson
		<ul style="list-style-type: none"> • DEBATE BY COMMITTEE • DECISION 	

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Agenda Item 9

Comments were submitted at 24/04/2023 4:48 PM from Mr Zach Vaughan.

Address: FLAGSTAFF GARDENS PROMENADE/ OSBORNE ROAD BLACKPOOL FY4 1HQ

Proposal: Erection of 19 shipping containers (part single and part two storey) and use of the land as food and drink venue comprising outdoor seating areas, roof terraces and canopy, external glazed balconies to upper floor, a stage and refuse store, with associated landscaping and bollards.

Case Officer: Miss C Johnson

Comments Details

Commenter Type: Interested Party

Stance: Customer made comments in support of the Planning Application

Reasons for comment:

Comments:

What a nonsensical decision by the Planning Department. For as long as I can remember (fifteen plus years) the location has been dead space which has been crying out for a decent investment opportunity bar the time it was seen fit to plonk Carnesky's Ghost Train on it.

At a time when regeneration is really coming along in the town, along comes a group of local entrepreneurs wanting to invest a lot of capital in a neglected space in a prime promenade location but the wisdom of the Planning Department is to reject it. Why?

These kinds of establishments are flourishing in cities such as Manchester, Newcastle and London. Perhaps the Planning Team may want to go and visit one of them to see what they are about. Whilst I recognise this proposed development is on a smaller scale, if it even comes close to offering what Freight Island, Manchester, can then it should be an emphatic 'yes'. The problem for residents in Blackpool is that there are not nearly enough decent places to eat, drink and socialise. Hence, why we flock en-mass to places such as Manchester every other weekend. The proof is the pudding, however, if decent establishments open in the town, residents will use them.

Bank Bar and Grill and the Beach House are prime examples.

The fact that they are wanting to invest their money in Blackpool is a testament to the direction the town is going. Recommending that the proposal should be rejected shows the Planning Department's short-sightedness and significant oversight of what Blackpool needs! It is a far cry, as one of the reasons for the rejection, of poor traditional takeaway food establishment that blights the streets of the town, such as Central Drive. During the summer evenings, it is beyond frustrating that every decent food establishment and coffee shop has closed at 5:30 pm, leaving the only non-pub alternative, McDonald's.

How great would it be to sit on the promenade during a late summer evening able to enjoy actual proper food? I cannot believe a comparison has even been made to include this proposal in the same breath as 'takeaways'. If that's the case, then perhaps the Planning Department should have recommended that Taco Bell be rejected. Further, the food that is proposed is a far healthier alternative to what is on offer at nearby Pizza Hut.

I find it bizarre that tacky nail salons and second-hand catalogue outlets and arcades are being granted planning permission to open in prime streets in the heart of the town centre (Bank Hey Street, Church Street and Victoria Street) but a development of this quality is being rejected.

This development will no doubt diversify what the town can offer residents and tourists and provide significant economic benefits. I am hoping that the Planning Committee will sense and approve. Lastly, I am not shocked that Pleasure Beach has objected. Looking after their self-interests as per. One of the reasons Blackpool has lagged with private investment is because there is a small number of prominent people/businesses in the town whose sole focus is to preserve their self-interests rather than for the benefit of residents.

It is a shame to see such an influential and established 'player' try and knock back smaller developments.

Again, this is why cities like Manchester and larger towns have so much more to offer; they work together rather instead of seeking to prevent investment.

If the Planning Committee agrees with Planning's recommendation, then well done. Like with the central site, it will be no doubt left as a dead space for the next twenty-plus years and will be a hugely wasted opportunity to detriment of the town's economy...again.

Blackpool needs developments of this nature to bring into the 21st century. I am sure, if approved, it will only encourage further investment as has been the case with some of the developments in the town centre; new Marvin's Bar on Clifton Street as a result of the Post Office hotel development.

I would like to add that Mr Mannering's, on behalf of his client, Blackpool Pleasure Beach, the objection would appear to be on the basis that they wanted to develop the area, but their request was declined.

He cites the Council's 2019 Open Space Assessment, and Green and Blue (G&B) Infrastructure Report as leading factors as to why the space should not be developed. I would be interested to know whether he would have afforded the same attention to the policies had Pleasure Beach been granted permission to develop the land. I suspect not. It's ironic that his client wanted to develop the same 'green space' with a seeming disregard for the policies cited to formulate his objection.

It's undeniable that Blackpool has a lack of G&B infrastructure, especially in the town centre, and it is an area the Council need to make tangible progress. That said, there are streets/areas (including other parts of the promenade) within the ward that compromise derelict/sub-standard holiday accommodation and HMOs which could be earmarked for future demolition to accommodate G&B infrastructure improvements.

Anyone with a degree of common sense cannot truly assert that Flagstaff Gardens is a Green Space. The Council's Open Space Assessment was over four years ago, and the site has been pretty much left how in the same state for twenty-plus years. If the Council is serious about developing or enhancing green space, then they should have done so already. It's fair to assume there are no current plans to do such and, therefore, for regeneration purposes, the development should go ahead for the benefit of residents and the town's economy.