
Appeal Decision

Site visit made on 29 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/J2373/W/19/3224973
South Pier, Promenade, Blackpool, FY4 1BB

- 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 The Blackpool Pier Company against the decision of Blackpool Borough Council.
 - The application Ref 18/0333, dated 17 May 2018, was refused by notice dated 18 September 2018.
 - The development proposed is the retention of log flume ride.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In the appeal the appellant refers to two reasons for refusal. From the decision notice there is only one. It appears that they have confused the Council's Section 35 comments under The Town and Country Planning (Development Management Procedure) (England) Order 2015 as a reason for refusal. For the avoidance of doubt, I have considered the appeal on the single reason for refusal as set out in the decision notice.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to the setting of the adjacent South Pier, a locally listed building.

Reasons

4. The appeal proposal relates to the retention of an existing log flume ride that was granted a temporary planning permission in July 2016 for a period up to April 2018. The appeal proposal sought for the permission to be permanent.
5. Prior to being located adjacent to the South Pier, the log flume was located at the head of the pier. The case for its temporary relocation was that it would facilitate upgrading of the pier. In granting the temporary planning permission in 2016 the Council were conscious of conflict with development plan policies but felt that the improvements to the existing pier justified supporting the temporary relocation of the ride. This is clear from the reason given in granting the temporary planning permission that stated *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.

6. The log flume is physically detached, although adjacent to the South Pier, and occupies a prominent position adjacent to the pier. It occupies a tarmac area and has a maximum height of some 12 metres and is enclosed by a palisade fence of around 1 metre high. The ride is set back from the frontage of the South Pier. Given the clear separation between the pier and the ride, I do not see it as part of the pier but rather a stand-alone ride.
7. Views of the site from the south of the pier are limited as the pier obstructs them. From the north, the ride is seen against the side of the pier. Whilst the view of the ride diminishes the further away along the promenade you get, from my site visit I saw that it was visible from at least some 500m away. Although it is mainly seen against the backdrop of the side of the pier when approached along the promenade from the north, its form and height present a somewhat incongruous feature against the pier. I consider that it is not viewed as part of the pier due to its setback from the pier frontage and clear physical separation. This is further amplified when the ride is viewed from the east where the gap between the pier and the ride is such that the ride clearly does not form part of the pier. This, coupled with the scale, massing, height and functional design of the ride does not fit well with the quality of the upgraded promenade that presents an attractive public area along the seafront.
8. The South Pier is a non-designated heritage asset, identified as a locally listed building. For the reasons I have set out above, I consider that the ride would harm the setting of the pier, appearing as a free-standing structure of poor design with no clear link to the pier. It is of a functional design that relates poorly to the character and form of the nearby pier and wider promenade area. I consider this to be a negative effect.
9. During my site visit I noted the go-kart track adjacent to the pier on its south side. I am informed that this has had the benefit of a number of temporary planning permissions and was relocated from elsewhere in order to facilitate a Tram Station improvement and that the Council were continuing to look for an alternative site for the go kart track. Notwithstanding this, I do not consider it to be comparable to the appeal proposal as it is a ground level use and is sited more in line with the pier frontage, where the visual impact on the setting of the non-designated heritage asset is significantly less than the appeal proposal.
10. Whilst it has been suggested that the visual appearance of the ride could be improved with the introduction of landscaping, I am not convinced that this would have any significant benefit. Whilst it would assist in softening the appearance at ground floor level, it would do nothing to address the concerns about the poor design and height of the ride.
11. I do not accept the appellant's case that the development is acceptable because it has already been given planning permission, albeit a temporary planning permission. The appellant points out that the Council's Heritage Officer raised no objection to the application for temporary planning permission and the appeal proposal. The report to Planning Committee provides no indication of any comments from the Council's Heritage Officer in either support or objection. Notwithstanding this, the decision was made by the Council and it is that decision that I am considering.

12. The Council were only supportive of the development in granting temporary planning permission because the relocation of the ride was necessary to facilitate the upgrading of the pier. The Council made that clear in their reasoning. The works to the pier have not been undertaken and no case has been advanced to justify the retention of the development contrary to adopted planning policy.
13. Taking the above into account I conclude that the proposed development would harm the character and appearance of the area and the setting of the non-designated heritage asset. The development would be contrary to saved Policies LQ1, RR1, RR4 and RR11 of the Blackpool Local Plan (2001) that, amongst other things, seek new development to be of a high standard of design and to make a positive contribution to the quality of its surrounding environment, development that makes a strong positive contribution to the physical and economic regeneration of the Resort Core. The site also falls outside specific locations that are permissive of fun fair rides that restricts the development of funfair rides and policy that promotes comprehensive improvements along the central promenade and seafront that support a high quality public realm.
14. It would also conflict with Policies CS7, CS8 and CS21 of the Blackpool Local Plan Part 1: Core Strategy (2012) that, amongst other things, supports high quality development that is appropriate in terms of scale, mass, height, layout and appearance in relation to adjoining buildings. Any new development along the promenade built frontage should complement the high quality public realm initiatives along the promenade.
15. Furthermore, the proposed development would not accord with advice in the Framework, in particular paragraphs 124-131 that, amongst other things, seek to promote quality design in new development and to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 197 deals specifically with non-designated heritage assets and advises that a balanced judgement will be required when dealing with development proposals that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.

The planning balance and conclusion

16. Having regard to the above, adopted planning policy is not supportive of the proposed development as it does not fall within a location that would allow funfair rides. Furthermore, the design of the development falls below that expected in an area where there has been significant investment in upgrading the promenade. The siting, scale and design would also harm the setting of the non-designated heritage asset adjacent to the site.
17. For the above reasons, the appeal is dismissed.

David Storrie

INSPECTOR