
Appeal Decision

Site visit made on 7 March 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2023

Appeal Ref: APP/J2373/W/22/3309136

Central Pier, Promenade, Blackpool FY1 5BB

- 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 Mark Marshall (Blackpool Pier Company) against the decision of Blackpool Borough Council.
 - The application Ref 21/0234, dated 1 March 2021, was refused by notice dated 13 October 2022.
 - The development proposed is bar and seating area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above has been amended to omit wording that is not a description of development. The description also differs from that on the Council decision notice.
3. The description above does adequately describe the proposal, but I also acknowledge that the proposal includes buildings, canopy, decking and boundary treatment. Structures which appeared to broadly accord with those shown on the plans already appeared to be in place at the time of my site visit, but for the avoidance of doubt my consideration has been based on the submitted plans.
4. The Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (DMP) was adopted in February 2023. I am required to make my decision based on the policy in place at the time of the decision and the Council have provided me with policies from the DMP which they consider relevant to the proposals.

Main Issues

5. The first main issue relates to flood risk at the site. The second is the effect of the proposal on the setting of Central Pier and the character and appearance of the area. The third is whether the proposal would be acceptable at this location having particular regard to the spatial strategy for the area.

Reasons

6. The proposal relates to a hard surfaced area immediately to the northern side of Central Pier to the west of Promenade (A584) and the tram tracks in what the evidence indicates is an edge of centre location within Blackpool.

Flood risk

7. The appeal site is located immediately adjacent to the coast, set back slightly from the sea wall, beach and sea beyond. It is located within flood zone 3 which means that it has a high probability of suffering from flooding. The flood risk is identified as being from the sea, but also in association with groundwater.
8. The Framework¹ advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
9. Despite the conclusions of the Flood Risk Assessment², the proposal is a type which should be subject to the sequential test.
10. The overall aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
11. Whilst the appellant has indicated that there are no sequentially preferable sites in Blackpool Town Centre or the edge of centre, there does not appear to be any reason to limit the assessment of flood risk to this small part of the borough.
12. Based on the apparently geographically restricted assessment of other sites, I am not convinced that there would be no other suitable alternative sites within the borough that would be at a lesser risk of flooding. The proposal therefore fails to minimise flood risk as it results in development within an area of flood risk contrary to the aims of the Sequential Test.
13. The proposal therefore conflicts with Policy CS9 of the Blackpool Core Strategy (2016) (CS), which amongst other things requires that all new development must be directed away from areas at risk of flooding through the application of the sequential test.

Setting of central pier/character and appearance

14. Central Pier is identified as a non-designated heritage asset. It is an imposing structure, incorporating a rather bulky and dominant modern building to its landward end with the Victorian design of the pier more obvious as the structure extends out to sea.
15. The area to the west of Promenade and the tram tracks is largely open, and this makes a positive visual contribution to the setting of the pier, allowing clear views towards both parts of the structure, which plays an important role in immediate views. The visual characteristics of the setting make a strong contribution to the significance of the pier.
16. Whilst I note that the proposal is set against the palisade fencing associated with the upper part of the pier, from some points within the open ground to the west of Promenade, particularly to the north-east of the appeal site, the bar and the associated structures clutter and obscure views towards both parts of the pier.

¹ National Planning Policy Framework 2021.

² Flood Risk Assessment, Flood Flow Ltd, April 2021.

17. The proposal would therefore have a detrimental impact on the significance of Central Pier by failing to preserve its setting.
18. The bar and associated structures and the intervention that they are associated with into the open area also contrast with the open and clear nature of the area, obscuring seafront and coastline views albeit to a limited extent. The bar therefore has an adverse impact on the character and appearance of the area for this reason.
19. The proposal would therefore conflict with policies CS7, CS8, CS21 of the CS and policies DM10, DM17 and DM19 of the DMP. Amongst other things these seek development which protects the setting of heritage assets and which should enhance and respond to any positive character of the local area and protect and enhance views along the seafront and coastline.
20. Further, Policy DM10 states that excluding the pier heads, pier decks and platforms west of the tram tracks new development will not be permitted other than green infrastructure, essential infrastructure, ancillary shelters, seating, public art and public realm improvements.

Spatial strategy

21. The proposal can be considered a town centre use with bars and pubs included as main town centre uses within the Framework³. It is clear that the Council is pursuing a strategy whereby proposals such as that before me should as a first choice be located within Blackpool Town or other centres to assist in protecting the vitality and viability of the centres.
22. What is a brief sequential test has been put before me. Whilst this largely appears to be limited to a search of rightmove and is very limited in detail, an outdoor bar would inevitably have very specific site requirements and I am mindful of the rather tightly defined town centre.
23. However, the appeal site is located almost directly adjacent to the southern end of the Town Centre. Therefore, the proposal is more likely to play a complementary rather than a negative one in terms of supporting the vitality and viability of the Town Centre.
24. Therefore, even were I to consider that the bar is not a tourism attraction within its own right, the proposal would not conflict with policies CS1 or CS4 of the CS given the limited likelihood of more centrally located sites being available, the lack of any significant adverse impact on the existing centres and its important role as identified by the Council and its ready accessibility by public transport and other sustainable transport modes.

Other Matters

25. I note that it is likely that the proposal could be providing some financial revenue towards the upkeep of this and the other Blackpool piers. However, details of the amount or mechanism of this funding are limited and I afford these matters limited weight.
26. Other developments such as the Beach House and a crazy golf attraction are mentioned in support of the proposal, but no detail has been provided and I

³ National Planning Policy Framework 2021 Annex 2: Glossary P68.

afford these matters very limited weight. It is suggested that the bar is popular and well used and this has been afforded some positive weight.

27. Although the appellant suggests that a temporary permission would not assist, it has been raised and for completeness I have considered the possibility of permitting the proposal on a temporary basis. However, I consider that there would be significant harm in terms of flood risk and the setting of central pier and character and appearance even on this basis.

Planning balance and conclusion

28. I have not found harm arising from the proposal with regard to the spatial strategy for the area. I have however identified harm arising from the proposal by reason of the associated flood risk along with harm to the setting of the pier as a non-designated heritage asset and harm to the character and appearance of the area.
29. There are no considerations to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR