



FYLDE BOROUGH COUNCIL

Meeting Agenda

**Development Control
Committee
Lowther Pavilion, Lytham,
23 November 2005, 9.30a.m.**

Membership

Development Control Committee

CHAIRMAN - Harold Butler
VICE-CHAIRMAN - Dr Trevor Fiddler

Councillors	John Bennett	Councillors	Linda Nulty
	George Caldwell		Barbara Pagett
	Kevin Eastham		Albert Pounder
	Richard Fulford-Brown		Heather Speak
	Peter Hardy		William Thompson
	Howard Henshaw (A.D.K		Colin Walton
	MALAYSIA		
	Ray Norsworthy		Andrea Whittaker

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CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the minutes of the Development Control Committee meeting held on 2 November 2005 (previously circulated).</i>	4
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4. DEVELOPMENT CONTROL MATTERS	AS NUMBERED

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2	05/0542	LYTHAM QUAYS, DOCK ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5A FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 10.13 HECTARES - PHASE ONE.	Refuse	42
3	05/0795	GORST FARM, LODGE LANE, ELSWICK, PRESTON CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO WOOD FUELLED RENEWABLE ENERGY PLANT.	Grant	44
4	05/0873	CHAPEL FARM, COPP LANE, ELSWICK, PRESTON PROPOSED BUSINESS UNIT ON SITE OF DEMOLISHED LISTED CRUCK FRAMED BUILDING	Refuse	51
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6	05/0935	HANGAR 8, SQUIRES GATE AIRPORT, ST ANNES, LYTHAM ST ANNES MODIFICATION OF CONDITION 2 AND 3 ON APPLICATION 03/912 TO ALLOW THE RETENTION OF THE BLUE CLADDING AND BALCONY SCREEN	Grant	66

7	05/0936	NEWTON GRANGE FARM, GRANGE LANE, NEWTON, PRESTON OUTLINE APPLICATION FOR ERECTION OF SINGLE STOREY DWELLING.	Refuse	71
8	05/0953	HENTHORNES, ORDERS LANE, KIRKHAM, PRESTON, PR4 2T DEMOLITION OF EXISTING SALES BUILDING / WAREHOUSE BUILDING AND FORMATION OF NEW SALES BUILDING AND SEPERATE WAREHOUSE BUILDING.	Grant	76
9	05/0967	BROADACRES, BALLAM RD, BALLAM, LYTHAM ST ANNES, FY8 4 PROPOSED REPLACEMENT DWELLING FOLLOWING DEMOLITION OF EXISTING DWELLING AND GARAGE.	Grant	81

Item Number: 1

Application Reference: 05/0541	Type of Application: Outline Planning Permission
Applicant: Kensington Developments Ltd	Agent :
Location: LYTHAM QUAYS, DOCK ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5A	
Proposal: OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 28.902 HECTARES	
Parish: St Johns	Area Team: Area Team 1
Weeks on Hand: 14	Case Officer: Mr D Wilkinson
Reason for Delay:	

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The proposed development is contrary to national, regional and local planning policy for the reasons set out below in the analysis section of the report. Having considered all the relevant policies and all other material considerations the application fails to meet those policies and there are no other material considerations that out-weigh the strong presumption against allowing the development being proposed. The application is therefore recommended for refusal for the reasons as set out in the report. If members were minded to approve the application, the application would have to be referred to the Secretary of State as a significant departure from the Development Plan.

Reason for Reporting to Committee

The application is a major development and under the current scheme of delegation the application is required to be presented to committee.

Site Description and Location

The site is located to the East of Lytham and is mainly contained in the built up settlement. It comprises some of the Dock Road industrial area, part of the site is an old landfill site and there are extant planning permissions for residential development on the former Cooksons bakery and Saddlers industrial sites, included within the site boundaries. The site is effectively divided into two sections separated by Liggard brook and is approximately 29 hectares in size.

The site is mainly in the urban area of Lytham and surrounding land uses provide for a mix of uses,

including residential and commercial uses. The site has deteriorated over the last few years with a significant amount of land clearance. There are remaining commercial businesses outside the application site. These businesses are however within the boundaries of the general development.

The overall appearance of the site and some of its immediate surroundings is that it is tired and run down. There is no doubt that a significant development of this nature would be beneficial in bringing back to life an area in clear need of regeneration and investment.

As well as the commercial development bounding the site there is a significant amount of residential development primarily to the north with a mix of mid 20th century housing but some older properties as well. The impact of the scheme on those properties will be a significant consideration of the proposed development. At the south western corner of the development is the Land Registry building and beyond that, Lytham Green. To the west are more 19th century residential properties.

Liggard brook is an important feature of the site splitting it in two. The northern part of the site is used by Lytham Cruising Club and the former Lytham docks are located to the east of the Ribble. The former landfill site comprises 4 hectares and is located in the southeast section of the site.

As stated above the general appearance of the site is poor with a number of derelict sites and there is much rough ground and the land in parts is overgrown with vegetation.

The site is clearly adjacent to the Ribble estuary and the site is prominent from that perspective. The Ribble estuary is also a Site of Special Scientific Interest and a RAMSAR site. It is one of the most important habitats for migrating birds, particularly waders. This is also a major consideration of the development proposal and is material to the consideration of the development.

Details of Proposal

There are in-fact two applications to be considered for the development of this area. The first is the outline application which covers the whole development site. The second is a full application which proposes the development of phase one of the overall scheme. This report should therefore be considered in conjunction with the Full application also on this agenda.

The outline application comprises the following:-

- 2,734 dwellings of which 1,201(44%) are special needs or affordable housing
- 17,243.6sqm of B1,B2 and B8 uses
- 6,427.2sqm of A3 uses
- D2 uses comprising a multiplex cinema, a fitness centre and an open air ice rink
- crèche and nursery facilities
- a primary school site
- a healthcare centre including doctors surgeries, dental services and other healthcare provision
- 3,143.5sqm of retail space
- New roads, and a canal system
- public squares and a pedestrian, vehicle free environment
- equipped children's play space in phase one
- public open space, including 6 ha of playfields and open space
- improved entrance to Lytham hospital
- Improved flood defences

The proposed development will be split into 3 phases. Phase one is applied for in full as part of the Full application also on this agenda. Phase one comprises:-

- 975 dwellings

- spine road under podium access roads and parking for residents
- 673.2sqm of business space (B1 –B8)
- 12 A3 units totalling 3,482.3sqm
- A multiplex cinema totalling 2,753.9sqm
- an open air ice rink 1,471.4sqm
- 19 retail units totalling 2,024.4sqm
- children's play park
- coastal walk, phase one
- improved exit and entrance to Lytham Hospital

Phase 1 generally comprises the site of the former Cooksons bakery, which is the subject of an extant planning permission for residential development. The primary accesses to the overall development will be part of the phase one part of the development. After these are completed the other canals, access roads and associated parking will be developed. It is currently envisaged that the construction of dwellings and commercial space will not commence until 2011.

Phase two will comprise of the following:-

- The construction of 1,009 dwellings
- Infrastructure works including associated access works, under podium resident and visitor parking, impounding and bridging of Liggard brook, completion of the spine road and construction of Liggard lock
- Lytham Quays business park, including 31 live/work units to form a craft village; B1, B2 and B8 uses totalling some 3,725.4sqm
- 8 units for A3 uses totalling 229.5sqm
- A leisure/fitness centre with swimming pool and parking facilities
- A crèche and nursery at 683.7sqm
- 12 retail units totalling some 659.5sqm
- Informal recreation along the new coastal path

Phase three will comprise of the following:-

- 750 dwellings
- Preston Road Industrial Park; 12,845sqm of employment space for B1, B2 and B8 uses
- 6 units for A3 uses totalling 649.9sqm
- A primary school site
- 8 retail units comprising of 459.8sqm
- Completion of infrastructure works and car parking
- Completion of the coastal path works
- Improved facilities for the Ribble Cruising Club

There is no doubt that what is proposed in these applications is ambitious and visionary in terms of the scale of development being proposed. The concept of having such a mix of residential, leisure, industrial, retail and commercial development at the scale being proposed is extremely exciting from a purely non contextual perspective. The proposed development would rely on technical solutions to deal with the serious constraints on the development to deliver an innovative and stimulating scheme that has not been seen before in this borough.

The applicant and their advisors have thought very hard about how this development would and could be delivered to realise the ambition which is set out on the extensive number of documents that accompanied the application. Pedestrian friendly environments, canals leisure facilities, apartment blocks, flood defences, great underground level car parking and innovative but traditional designs all combine to create a truly outstanding form of development.

The big question however is it right for Lytham? The following analysis and conclusions will attempt

to answer this from the planning policy perspective and in terms of the impact on Lytham that a development of this scale could have. What follows is an objective analysis which considers all the main material considerations of such a development and concludes on whether the proposed development could ever be acceptable in planning terms.

Relevant Planning History

Application No	Development	Decision	Date
05/0542	FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 10.13 HECTARES - PHASE ONE.		

Parish Council Observations

None relevant to this application.

Statutory Consultees

Due to the number of consultees on this application the following represent only a brief summary of the views of the organisations who have responded. The complete responses are appended to this report.

NATS

No safeguarding objections.

BAE Systems

No aerodrome objections in principle.

MOD Defence Estates

No safeguarding objections in principle.

United Utilities

No objection in principle subject to:

- Only foul drainage being connected to the foul sewer
- Ensuring there is sufficient drainage capacity in the locality
- Provision of a new water main
- Maintaining access to public sewers across the site
- Maintaining access to electricity sub stations
- Careful planting under/near power cables and sub stations

North West Regional Assembly

Concern regarding adding to the current oversupply of housing in Fylde Borough
The proposal conflicts with the Inspectors recommendation that 60% of new dwellings should be affordable.

Lancashire Resources Directorate

As you will no doubt be aware a Working Group of the Lancashire Planning Officers Society has produced a consultation draft policy paper on 'Planning Obligations in Lancashire'. All the districts were consulted and invited to workshops as part of the first period of consultation. It is anticipated that further consultation should take place early in the New Year. As a result of this consultation process the methodologies will be refined further or in some cases there is a possibility that they will be removed. Based on the consultation document the following figures should provide a starting point for negotiation with the developer.

Transport

Notwithstanding the fact that you are dealing with the Traffic and Safety team directly that access to and from the site by all means such as public transport, walking and cycling are covered. As detailed in the transport methodology the required measures will include:

- Pedestrian schemes
- Cycle routes
- Real time information projects
- Public transport service improvements or new services
- Education

As with transport I am aware that you are dealing with Michael Costigan directly on this matter.

Libraries

The sheltered housing element has been considered separately as required by the methodology and an assumption has been made that the split between the other dwellings in terms of one bedroom and two bedroom 7% and 93% respectively (this is reflective of the overall percentage split).

171 (one bed) x's £173 =
2268 (two bed) x's £273 =
295 (sheltered) x's £144 =
£29,583
£619,164
£42,480
TOTAL

£691, 227

Youth and Community

The sheltered and extra care dwelling have been excluded and an assumption has been made that of the remaining dwellings, 93% will be two bed.

1984 (two bed) x's £550 = £586,850

Social Services

The sheltered housing element is considered separately as required by the methodology and an assumption made that of the remaining dwellings 93% will be two bed.

2268 (two bed) x's £148.22 = £336, 162

295 (sheltered) x's £212.31 = £62,631

TOTAL

£398,793

Health

As required by the methodology the sheltered housing element is considered separately to the market housing and an assumption has been made that of the remaining dwellings 7% will be one bed and 93% two bed.

171 (one bed) x's £293 =
2268 (two bed) x's £462 =
295 (sheltered) x's £244 =
£50,103
£1,047,816
£71,980
TOTAL

£1,169,899

Waste Management

2734 (all dwellings) x's£480 = £1, 312,320

In addition to this requirement, developments of over 150 dwellings will be expected to contribute to any additional investment required to provide facilities in locations where there are no health services within 3km. This appears to have been addressed as part of the proposal. Affordable and Special Needs Housing This methodology makes provision for a financial contribution where the provision of affordable housing within a development does not meet the requirements of the Local Planning Authority. As the Inspectors report eradicates this option in Fylde the development must make provision for 60% affordable housing on or off site and it should reflect the requirements identified in the Fylde Housing Needs Survey.

Public Open Space

Dependent of whether the development falls within an area of low, medium or high recreational need the contribution per dwelling would be £1,000, £2,000 or £3,000 respectively. As elements of open space are proposed within the development, consideration must be given to whether the types proposed meet identified requirements and whether an additional contribution should be sought from the developer.

Sport

This methodology requires a Sports Strategy Action Plan to have been produced and as such will need to be considered by you.

Other methodologies

The remaining methodologies (economic development, natural and man-made heritage, urban design, flood defences, fire, crime and disorder and cemeteries) should all be considered by yourselves as the District Council. These figures, taken from the consultation document, should hopefully provide you the basis for negotiations with the developer.

Lancashire County Planning Officer

Raises objections to the proposal for a number of reasons, but primarily on housing supply grounds, prematurity, ecological and general principles of development of this scale.

Lancashire County Highways

Raises objections on general highway grounds. Also does not agree with the applicants conclusions on the Traffic Impact Assessment and considers that the proposed development will result in a significant and detrimental impact on the highway infrastructure around Lytham.

Lancashire County Ecologist

Having considered all the information in the EIA it is considered that there is insufficient evidence produced to suggest that there would be no loss of biological heritage value as a result of the development.

Lancashire County Education

The impact of the development on primary school education will require the construction of a new 210 place primary school. The impact on senior school education will necessitate the new provision of 123 places.

English Nature

It is the consideration of English Nature that the proposed development will have a detrimental impact on the SSSI. There is insufficient information accompanying the application to determine the application for anything but refusal.

Blackpool Borough Council

The Councils view is that the applications should be refused planning permission as they are contrary to the normal application of policies in the Fylde Local Plan. It is further considered it would be premature to otherwise determine the application in advance of a wider assessment of development needs.

Environment Agency

Raise a number of concerns and objections to the proposed development on flood risk grounds impact on Liggard Brook, the estuary and express concerns over the issue of the contaminated land. Wish to see the application refused as they consider that the applicant has failed to provide sufficient information within their supporting documentation to deal with issues of concern.

Fylde Borough Council Housing Manager

In drafting my response I have considered information contained in the planning statement prepared by MCP Planning and the extra care needs assessment prepared by Paragon Strategies Ltd. I have also considered information contained in the FBC Housing Strategy, FBC Housing Needs Survey and the recently adopted Housing Chapter of FBC Local Plan.

For ease of reference I have extracted information from the FBC housing needs survey (HNS). It is worth noting that the HNS was the subject of scrutiny during the recent inquiry into the local plan. The inspector concluded that the survey closely followed appropriate guidance and was executed effectively.

Extract from table 9.2 shows the annual shortfall of affordable housing in Fylde as

Sub Area	Shortfall in supply
Lytham	184
St Annes	144
Kirkham/Wesham	31
Freckleton/Warton	28
Remaining rural area	33
Total	420

Extract from table 9.6 shows the size requirement of dwellings as

1 Bedroom	70
2 Bedroom	152
3 Bedroom	113
4+ Bedroom	86
Total	420

Para 11.6 of the HNS concludes that low cost market housing cannot meet any housing need, whilst shared ownership could provide 3% of the need. The remaining 97% would need to be provided by way of social rented housing.

I also give extracts from the recently adopted housing chapter of the local plan.

“the size type and tenure of the affordable dwellings to be provided shall reflect the needs of those households requiring affordable accommodation in accordance with the councils latest housing needs survey” and “age restricted retirement homes and sheltered housing with a resident warden would not constitute special needs housing and in relation to special needs developments” the development should meet the special needs of residents of Fylde Borough and should be based on up to date evidence of need”.

I shall now consider the proposals to deliver affordable housing as indicated in the planning statement.

The development proposal provides for 2734 dwellings. Planning permission exists for a part of the site (Cooksons Bakery and Sadlers). That permission would allow 260 dwellings. The increase in numbers in the proposal is therefore 2474 dwellings.

The newly adopted provisions of the Local Plan require at least 60% of the additional development to be provided as affordable dwellings. This would require 1485 affordable dwellings to be provided. This would be in addition to the affordable provision attached to the extant permission in respect of Cooksons and Sadlers.

It would be expected that the dwelling type and tenure would reflect the information from the HNS. Of the 1485 affordable dwellings 97% should be for rent and 3% for shared ownership. Thus 1440 dwellings should be for rent and 45 for shared ownership.

Additionally the type of dwellings to be provided should reflect the following, 1 bedroom 17%, 2 bedroom 36%, 3 bedroom 27% and 4 bedroom 20%.

This would provide respective dwelling numbers as follows; 1 bedroom 252 units, 2 bedroom 535 units, 3 bedroom 401 units and 4 bedroom 297 units.

The housing development proposals of the scheme are discussed from para 8.6 onwards in the submission by MCP Planning.

Para 8.6.6 begins to bring together as a single issue the provision of affordable and special needs dwellings. This concept is expanded further in para 8.6.8 when affordable, sheltered and extra care dwellings are linked together.

This concept is wrong. As indicated above sheltered housing provision is not an exception in policy terms and this form of housing should fall to be considered within the general provision of affordable dwellings.

Additionally the provision of special needs dwellings falls within a separate exception policy that has a discrete test of need. Paragon Strategies has provided information relating to extra care retirement housing in Lytham. Throughout the study the concept of a lack of retirement accommodation in Lytham is considered and assumptions are made from general demographic information. There is not a robust assessment of the needs of vulnerable sections of the community within the study. In particular the study concludes in part 8 that “there is a gap in knowledge in Lytham in terms of research into the needs of older owner-occupiers and there is no obvious reason why either the County or Local authority will have a detailed assessment of the needs within the owner occupied sector”. The study seems to attach significant weight to estate agent information about the demand for retirement housing in Lytham but is silent on the issue of up to date evidence of need in relation to vulnerable residents of Fylde. There is no evidence on types of special care dwellings that may be needed nor is there evidence on numbers of special care dwellings that may be needed. There is therefore insufficient evidence to support the special care provision proposals contained in the application. In the absence of such information there seems no reason to depart from the requirements of policy HL1 3 that relates to the provision of affordable housing generally.

The breakdown of the affordable/special needs housing as proposed is contained in part 9 of the MCP Planning statement. As detailed earlier the sheltered and special needs component of the proposals should be discounted. Para 9.2.4 of the statement includes tabulated information on numbers and tenure type of affordable housing provision.

The provision of housing for key workers is included in Fig 5, para 9.2.4 and shows an overall number of 77 units. There is no information about tenure type or costs relating to this provision. There is no information about the numbers of key workers, as a separate client group, in need of accommodation in Fylde. It cannot therefore be included as affordable provision.

The table also indicates the provision of 122 units at a discounted price. The HNS suggested that a discounted price provision would not be an appropriate method of meeting the assessed need in Fylde. This element should also not be included as affordable provision.

The only reckonable affordable housing provision from the table is therefore the rent and shared ownership dwellings. These number a total of 401 units at a ratio of approximately 60/40 rent to shared ownership. This represents approximately 15% of the additional dwelling provision of 2734 units. The provision fails the test of number and tenure type as required by policy HL1.

The whole of the development is proposed to provide one and two bedroom dwellings only. In order to comply with the affordable housing requirements of policy HL1, using information from the HNS, the provision should be by way of a range of 1/2/3/4 bedroom dwellings. The provision fails the test of dwelling type as required by policy HL1.

Mention is made in the planning submission of the payment of an unspecified commuted sum in addition to the on site provision of affordable housing. There is no provision in the recently adopted Housing Chapter for the discharge of affordable housing provision by way of a commuted sum and this unspecified offer should be discounted.

Further concerns arise from the scale of the proposed scheme that may require some further policy development. Questions arise such as; is it appropriate to deliver such a large number of affordable units in a single part of the borough; based on the housing strategy target of 67 units per annum this scheme would deliver 22 years worth of supply and would presumably preclude the provision of additional units elsewhere during this time; the current HNS has a 5 year life that will expire before this development is due to commence.

I would conclude therefore that the affordable housing provision proposed in this application is wholly inadequate.

Fylde Borough Council Building Control Manager

General

The deposited plans only provide very limited outline details and will require considerable amendment before full working drawings can be produced. This may alter the elevations, height of building and site layout.

At this stage the deposited plans do not have any floor levels it is therefore impossible to determine the true height of the building or depth of basements. Levels are required for the basement slab, ground floor slab and each floor above.

Crime and Disorder

The council has a duty under the Crime and Disorder Act 1998 to take reasonable steps to prevent crime and disorder in conjunction with their planning service.

The Schemes covering 71.4 acres has 2,734 dwellings, has two levels of underground car parking, has a canal system, has multiple access routes and contains a large amount of social rented accommodation crime and anti social behaviour could be reduced and secured by design. The storage of waste in remote basements areas may lead to arson.

The application includes A4 use for bars however the detailed plans in phase 1 do not indicate the scale and location of licensed premises. The hours of operation and if they are to be used for public entertainment.

Most developments can incorporate crime reduction measures at the design stage often at a minimal cost before construction takes place. Retrospective measures are often much more expensive and difficult to achieve.

The planning applications should demonstrate how crime prevention measures have been considered in accordance with Policy HL11 if this cannot be achieved then the application should be refused.

Part B Fire Safety

The development as designed would be in breach of Building Regulation B5 Access and facilities for the fire service.

There is inadequate fire brigade access for pump and high reach appliances.

Vehicle access routes and turning facilities need amendment.

Access to the building perimeter is restricted by parking spaces.

There is no provision for fire mains and fire fighting shafts.

There are no external fire escape stairways to the basement car parks shown.

There is no provision shown for smoke outlets from the basement car parks.

Only a limited number of stairways can be taken down to basement level.

There is a lack of ancillary accommodation. refuse storage, meter rooms, janitor room & mail room.

Part C Site Preparation and resistance to contaminants and moisture

The Planning applications will have a significant effect on the environment. The measures proposed to minimise any adverse effects have not been identified. The full extent of the contamination has also not been identified. Two historical landfill sites for which records do not exist have yet to be investigated.

The main impacts will be caused by the removal of the contaminated landfill material offsite. This will affect air quality, odour, noise, vibration and water environment. The potential impacts associated with waste management have not been identified. The transportation of contaminated landfill off the site does not help create a sustainable development lasting to 2024.

Ground conditions below the proposed development site will result in the use of piled foundations. These piles will provide pathways for the downward migration of contaminants from the made ground into controlled waters. There is no indication of how this will be prevented.

Earth works during construction may result in leaching into groundwater or in some areas direct run-off of contaminated water into controlled waters. There is no indication of how this will be prevented.

To date no groundwater samples have been collected for chemical analysis these are needed to assess the risk to controlled waters, property or other sensitive environmental receptors.

Landfill gases methane and carbon dioxide are present on the site and have not been fully investigated there potential for migration towards, and ingress into, built structures needs to be resolved. The accumulation of gas in basement car parking and consideration of gas extraction systems needs to be resolved. It should be noted that site wide gas control measures may be required if the risks on any land associated with the buildings are deemed unacceptable. Such control measures include removal of the gas generating material or covering together with gas extraction systems.

Policy EP29 requires applicants to demonstrate contaminated land can be treated so as not to produce any unacceptable risks for future users of the site or area, including contamination of surface water, ground water or sewers.

Policy EP23 & EP24 requires that controlled waters will not be adversely affected. This has not been demonstrated in the application.

Police EP26 & EP27 cover air pollution and noise the development is proposed to start in 2010 and last for 14 years till 2024 the construction and waste management will cause extensive disruption, which needs to be mitigated.

There is a presumption in planning guidance PPG 25 that development should not take place in areas that are at risk of flooding. The basement appears to be constructed below the water table; elevated ground water levels could cause flooding. Sewer flooding due to backflow or surcharging of sewers or

drains may also be a problem.

This could be over come by raising the basement floor level, which would increase the height of the building.

The site will need to be de watered to construct the basements.

Policy EP30 states development will not be permitted if it would be at risk of flooding or create an unacceptable risk of flooding. The large areas of underground car parking at two levels will be at significant risk.

Part H Drainage and Waste Disposal

Policy EP25 states development will only be permitted where foul sewers and sewage treatment facilities of adequate design and capacity are available.

This needs to be conditioned so the infrastructure is in place prior to the occupation of the dwellings or other property.

There is inadequate provision for the storage of solid waste. Dwellings below the 4th floor should have an area 1.2m x 1.2m for each dwelling. These areas should be within 30m of each dwelling.

Solid waste storage dwellings above the 4th storey should share a single waste container for non-recyclable waste fed by chute, with separate storage for any waste, which can be recycled.

A site waste management plan is needed and a need to deal with recyclable waste. Waste should not be located in basements. Containers should be within 25m of the waste collection point specified by the waste collection authority.

Part M Access to and use of buildings

Circulation between buildings is provided by means of wide pavements, hard paved squares and a series of bridges, steps, ramps and landings to accommodate the changes in level across the site. Reasonable provision should be made so that people, regardless of disability, age or gender, can move about all areas of the site.

No consideration has been given to access and use for this development of mainly social rented housing. The project is intended to last until 2024 and I would expect in this day and age that access should be a major planning issue. There are many areas of the site, which are inaccessible, to all.

There are no detail plans of the retail units and 11 cafes. Each café will require toilets for the able bodied as well as the disabled.

Transport access for refuse wagons, Fire appliances, removal vehicles, and maintenance and delivery vehicles to service the site also appears inadequate.

The application for phase 1 is a detailed application however the design statement does not reflect what is detailed to be built.

Observations of Other Interested Parties

Lytham Civic Society

KEY ISSUES

There are a series of key issues which have to be considered on the two applications currently with Fylde Borough Council, one for full approval of part of the site and another for overall outline approval of the whole site. This in itself seems inappropriate for the simple reason the full approval cannot exist without the outline for the whole site. Giving full approval for part of the site given the nature of the development makes a nonsense of splitting it into two. The process should have been an outline for the whole followed by approval of reserved matters as the development progressed. That said the following issues are of critical importance to the town.

DENSITY, SCALE AND CHARACTER

- Lytham is a modest seaside town of a charming character typified by two and three storey development. The unique charm of the Green helps to create a character which is open and spacious and gives an appreciation of the sea from many aspects of the town. Any new development proposed should have regard to this openness and, more importantly, to the scale of the town.
- Therefore before any other comments are made it should be noted that the current application pays no heed whatsoever to the inherent character of the town. The development is predominantly 5 and 6 storeys sitting at podium level with the odd tower block thrown in for good measure. The densities are extremely high, verging on 90 units per hectare. This is more appropriate for a London quayside than Lytham.
- This extremely dense development will also serve to physically and visually block out the coastline from residents travelling in the area.
- The introduction of double height parking levels results in what can only be blank walls at road level along the spine road which enters the site opposite Lytham Hospital. The layout shows trees along this elevation but they will not mask the fact that this is a dead frontage.

TRANSPORT INFRASTRUCTURE

The proposal for over 2700 apartments, with say an estimated average of 2.5 inhabitants per dwelling, creates an additional population of 6750 people. Lytham is already congested in terms of parking and traffic routes; there is no adequate link to the motorway. This number of residents will increase the traffic substantially, not to mention the disruption caused by construction traffic over a period of 15 to 20 years. Lytham as we now know it will no longer be a pleasant place to visit and could well lose its attraction as a tourist destination. The footpath route alongside the sea wall appears to be narrow and constricted, in the main some 2.5 metres wide immediately adjacent to apartments. This will not enhance the coastal route.

- Local transport including buses will be seriously affected.
- There does not appear to be a park and ride facility shown in the plans.
- No easy and direct cycles routes have been shown
- No obvious easy pedestrian routes are available through the site. They are directed along necessary routes of development.

HEALTH AND EDUCATION

- There is already a secondary school problem locally and children are being sent to Preston.
- The primary school site shown is served by a cul-de-sac, this is inappropriate

- The proposed Health Centre is inappropriately sited and could only be considered suitable should the Quays development go ahead. The recent decision not to grant permission for it, taken by the councillors, was the correct one as the Quays site is far from a foregone conclusion.

REGIONAL GUIDANCE AND AFFORDABLE HOUSING

- There is currently a moratorium on housing in the Fylde area (as there is in several other 'honey pot' areas of the northwest). Without knowledge of future forecasts it is reasonable to assume that the number of units proposed would mop up the Fylde and Wyre allocations for the foreseeable future.
- The figures quoted in the applications indicate affordable housing in the order of 25% of the total. This housing would in the main be owned and rented out by one or several housing associations. There will not be large numbers of cheap houses for sale as we are being led to believe. The properties will in the main have to be expensive in order to cover the costs of the deck level podium and services which will have to be incorporated to make the development work. The complexity of the canal system and the pumping required to keep the water sanitary will also be an added burden on future residents and commercial occupants of the site.
- The current approvals for residential development on the Cooksons and Saddlers sites are being greatly increased in the current application.
- It is understood a (draft) spatial strategy for the Northwest will be published shortly; it will be interesting to see how this strategy relates to the current application.

ENVIRONMENTAL/ECOLOGICAL ISSUES AND CONTAMINATION

- This site sits alongside a highly valuable coastline in terms of bird and wildlife. The impact of this development will be immense both during and after construction. The flood issues are being dealt with by raising the entire development. We understand that treated surface water run off will be used to top up the canal system.
- Existing coastal footpaths are being removed/altered and will not provide the type of facility expected of a coastal way.
- Areas of the former industrial sites are known to be contaminated. The costs of removal and remediation will be high adding to the costs of the housing.

PUBLIC OPEN SPACE

- The master plan as currently shown does not appear to contain any significant areas of public open space within the area outlined in red. There are established standards which set out the scale, type and location requirements for a development of this size. A population density of this nature would require substantial areas of public open space using the 6 acres to 1000 population as a rough guide.
- The areas marked as Public Open Space are outside the site on land owned by others in an area which is currently agricultural and Green Belt.

RETAIL/LEISURE/EMPLOYMENT ISSUES

- There are extensive areas in the plan devoted to non-residential uses. The level of retail development shown could have a serious impact on the viability of Lytham Town Centre. The inclusion of restaurants and cafes (numbering some 30 units) would also have a major impact on this type of facility in Lytham centre. The current facilities in Lytham have recently developed a reputation for a high quality offer for daytime café meals and evening dining. This proposed development has the potential for metaphorically tipping Lytham into the sea if the level of facilities shown does come about and takes the place of the current facilities in the town centre. The level of commercial facilities shown in the proposed Quays master plan appear to be creating a destination venue in themselves and not a complementary facility to Lytham as we know it.
- The seven screen cinema would have to attract viewers from the entire region as Riversway does

at present in order to be viable. This will further clog up the roads and parking may not be adequate. . The employment areas shown in the development are necessarily splitting the residential areas into two sites as the employment uses proposed are adjacent to those premises which have declined to be bought out by Kensington. This area has been further enlarged by a sizeable fitness centre and observatory. The buildings shown have vast footprints.

- The so called 'brownfield land' has been self created by the developer buying up and relocating businesses and demolishing their former premises. It is frightening to see the impact large land holdings can have on distorting natural market forces and land availability.
- This type of mass movement of businesses should be planning policy driven and not developer driven. The land currently the subject of the application is, with the exception of the Cooksons and Saddlers sites, designated as employment land in the Local Plan.
- The employment uses shown alongside the road include B8 uses. This includes warehouse and distribution, facilities that can be up to 9 metres in height. These are shown very close to the highway. What a gateway into Lytham!!

SUMMARY

The scale of development shown is quite out of character with the area. The level and intensity of development shown will impact on Lytham town centre and also the region as a whole. Physically and visually the development would dominate the east end of Lytham and if built make the existing town feel like an adjunct

Land Registry

We act as Estate Consultants on behalf of Land Registry and in that capacity have examined the above applications in order to ascertain the potential impact on our clients' property. Having now considered the applications and discussed them with our clients we are instructed to make the following representations/observations.

1. Traffic generation, impact on access to and from Birkenhead House and road safety.

The scale of the proposed development is such that it is likely to generate a substantial increase in traffic along East Beach/Preston New Road with this increase being most apparent at peak hours. Our clients are concerned that the new junction proposals will result in it being more difficult for staff to access Birkenhead House especially from the east bound carriageway. Furthermore it appears that it will be very difficult/dangerous for staff to turn right onto East Beach on leaving Birkenhead House. If anybody - leaving the site at Birkenhead House is required to turn left onto East Beach this will cause considerable frustration and is likely to lead to some of the neighbouring side streets becoming "rat run" for those staff that require access to the east bound carriageway. Furthermore being a Land Registry office there are numerous visitors throughout the day and our clients feel that the highway proposals are such that they could prove potentially dangerous to those people who are not familiar with the location.

One way in which these issues may be capable of being addressed would be to alter the proposed new junction from a traffic light junction to a roundabout junction. This would then enable a new road to be taken from the roundabout along the boundary of the development site and my clients' property to provide a new access directly into the rear car park. Obviously if such a solution was forthcoming then the cost of realigning my clients' car parking arrangements would need to be borne by the developer.

2. Coastal Path

From the application details examined it is not clear whether the Coastal Path will be a raised path but given that it will be at the level of the proposed development and join the park area to the west of Birkenhead House then we presume it will be a raised path. There will be a separation between the

Coastal Path and the southern and part of the eastern boundary of our clients' site. We would advise that access to this area is required by our clients for maintenance purposes and it is also an areas where surface water drains into from the car park. We are concerned that if this area is totally enclosed then it will become a "dead area" and one that collects debris. Assuming that the Coastal Path is to be a raised path then we think it is important that it is a path that is effectively "on stilts" as this will help prevent the areas between the pathway and our clients' building from becoming "dead areas" that will, we think, almost certainly become very unsightly very quickly.

RSPB

In the RSPB's opinion, the damage to 0.5ha of Salt marsh and 0.8ha of Mudflats could be prevented as the impoundment of Liggard Brook is not essential to the development of this area. Furthermore the Environmental Statement has not provided sufficient information that this preventable damage has been adequately mitigated against, or compensated for.

Defend the Dunes

We wish to object to the proposal for the following reasons:-

- The number of dwellings will result in a large influx of people to the area and as a result will have a serious impact on regional strategy
- Conflict with the local plan on the grounds of loss of industrial land
- Does not meet the need of the Councils Housing need survey
- Infrastructure for the proposed development is wholly inadequate
- Insufficient play and recreation area is proposed with the development
- Impact on the town of Lytham
- Flooding issues
- Impact on the SSI
- Not sustainable development and would have a detrimental impact on the transport infrastructure

CPRE

Object to both the applications for the following reasons:-

- The scale and nature of the development is out of keeping
- The development is primarily for dwellings but it is an industrial area
- Due to the expense of developing the site the affordable dwellings will not be really affordable
- The number of affordable dwellings is too low
- The lack of infrastructure
- The shortage of adequate employment prospects in the neighbourhood
- The lack of adequate transport infrastructure
- Much of the site is in the flood plain and not suitable for housing
- Impact on the adjacent Biological Heritage Site
- Lack of recreational green space on the site and impact on the adjacent greenbelt and SSSI

Neighbour Observations

Hundreds of letters of objection have been received regarding the development proposal. The vast majority of these letters are from people in Lytham, Ansdell and St Annes. Some have also come from the rural areas and from farther a field. There have been formal letters of objection also from the pressure group Defend Lytham and one on behalf of them by a planning consultant. The objections cover the following points:-

- Loss of employment land

- contrary to the Local Plan and all planning policies
- Detrimental impact on the highways of Lytham
- Noise and disturbance during the construction
- impact of flats on residential amenity
- highway safety concerns
- too many flats
- not enough family houses
- too many affordable houses
- not enough affordable houses for families
- all apartments should have more of a mix
- Kensington shouldn't get permission because they caused the problems
- schools can't cope now, so we need more schools, not enough provided
- impact on the estuary
- flooding will occur and affect all of Lytham
- health and safety issues of the canals due to smell and children falling in them
- existing highways already clogged, this development will cause chaos
- we shouldn't allow residential on industrial sites
- residential will be too close to existing industrial uses
- new development too close to existing residential properties
- density of the development is out of character in Lytham
- Look what happened in New Orleans
- Global warming should be considered, polar ice caps melting and rising sea levels
- destroy the peace quiet and tranquillity of Lytham
- pollution from all the extra cars
- noise nuisance for cars and development
- loss of natural habitat
- it will affect the sea defences and put Lytham at risk
- what's going to happen to the contaminated land
- too dense a development not enough open space
- out of character with the area
- too many apartments and too high
- underground car parking won't work
- no access for emergency vehicles
- would like to see smaller scale development but too much proposed
- too many residential, less would be ok
- contrary to PPG3
- Contrary to the Fylde Borough Local Plan, Lancashire Structure Plan and Regional Planning Guidance
- No residential development should be allowed as we have too much now
- Does not comply with policy and Housing Strategy
- would double the population of Lytham
- more outsiders would come in
- will end up as retirement flats or second homes
- why have we allowed Kensington to do what they want

There have been 3 letters of support for the proposal.

All relevant Development Plan policies and other policy considerations

Joint Lancashire Structure Plan

Policy 1 – General Policy

Policy 2 – Main Development locations

Policy 7 – Accessibility and transport

Policy 8 – Strategic road network and proposed improvements

Policy 9 – Rapid transit systems in regeneration priority areas
Policy 12 – Housing Provision
Policy 14 – Business and industrial land provision
Policy 16 – Retail, entertainment and leisure development
Policy 17 – Office Development
Policy 19 – Tourism Development
Policy 21 – Lancashire’s natural and man-made heritage
Policy 22 – Protection of water resources
Policy 23 – The Coastal Zone
Policy 24 – Flood Risk
Policy 27 – Development and waste minimisation

Regional Planning Guidance Note 13 (Regional Spatial Strategy)

Core development principles

DP1 – Economy in the use of land and buildings
DP2 – Enhancing the quality of life
DP3 – Quality in new development
DP4 – Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion

The Spatial Development Framework

SD3 – Key towns and cities outside the North West Metropolitan Area
SD7 – The North West’s Coast
SD9 – The regional Transport Strategy

Economic Growth and Competitiveness with Social Progress

EC1 – Strengthening the Regional Economy
EC2 – Manufacturing Industry
EC3 – Knowledge-Based Industries
EC6 – The Regeneration Challenge: Brining the Benefits of Economic Growth to Areas of Acute Need
EC8 – Town Centres – Retail, Leisure and Office Development
EC9 – Tourism and Recreation
EC10 – Sport

Delivering an Urban Renaissance

UR1 – Urban Renaissance
UR2 –An inclusive Social Infrastructure
UR3 – Promoting Social Inclusion through Urban Accessibility and Mobility
UR4 – Setting targets for the recycling of land and buildings
UR5 – Existing commitments to Development Plans
UR6 – Existing Housing Stock and Housing Renewal
UR7 – Regional Housing Provision
UR8 – A phasing Mechanism for release of housing land
UR9 – Affordable Housing
UR10 – Greenery, Urban Green space and the public realm
UR11 – Urban Fringe
UR12 – Regional Park Resources

Enhancing the Coastal Zone

CZ1 – Defining the Coastal Zone
CZ2A – Coastal Development
CZ2B – Coastal Defence
CZ3 – Coastal communities and economic development

Active Management of Environmental Resources

ER1 – Management of the North West’s Natural, Built and Historic Environment
ER3 – Built Heritage
ER4 – Contribution of Built Heritage to Regeneration
ER5 – Biodiversity and Nature Conservation
ER7 – Water Resources
ER8 – Development and Flood Risk

Ensuring High Environmental Quality

EQ1 – Tackling Derelict Land and Contamination issues
EQ3 – Water Quality

An Accessible Region with an Integrated Transport System

T1 – Integrating Transport Networks in the North West
T3 – The Regional Highway Network
T4 – Road Safety
T8 – The National Cycle Network

Fylde Borough Local Plan

SP1 – Development within settlements

EMP2 – Existing business and industrial areas
EMP3 – Business and industrial uses outside defined business and industrial areas
EMP4 – Buffer zones and landscaping on industrial estates
TR1 – Pedestrians
TR3 – Cyclists
TR4 – Public transport
TR5 – Large scale new developments
TR9 – Car parking within new developments
TR10 – Car park design
TR13 – St Annes to M55 link road
TREC 5 – Large scale tourist and leisure development
TREC 8 – Tourism development on the seafront
TREC 12 – Indoor sport and leisure facilities
TREC 13 – Public open space
TREC 17 – Public open space within new housing developments
EP1 – Built environment
EP10 – Building design and landscape character
EP14 – Landscaping
EP15 – Nature Conservation
EP16 – Sites of Specific Scientific Interest
EP17 – Biological Heritage sites
EP19 – Protected species
EP20 – Protection of coastline, Estuaries and sand dunes
EP21 – Archaeology
EP23 – Pollution of surface water

EP24 – Pollution of ground water
EP25 – Development and waste water
EP28 – Light pollution
EP29 – Contaminated land
EP30 – Development within flood plains
EP31 – Managing water resources
SH13 – Large retail stores
SH14 – Large retail stores
SH16 – Restaurants and hot food shops
CF1 – Provision of community facilities
CF2 – Provision of new schools
CF5 – Residential care facilities

Revised Chapter 3 Housing of the Fylde Borough Local Plan – Inspectors Recommendations and Revisions

National Planning Policy

PPS1 – Delivering Sustainable development
PPG3 – Housing
PPG4 – Industrial, commercial development and small firms
PPS6 – Planning for town centres
PPS9 – Biodiversity and geological conservation
PPS10 – Planning for sustainable waste management
PPG13 – Transport
PPG14 – Development on unstable land
PPG15 – Planning and the historic environment
PPG16 – Archaeology and the historic environment
PPG17 – Planning for open space, sport and recreation
PPG20 – Coastal Planning
PPG21 – Tourism
PPS22 – Renewable energy
PPS23 – Planning and pollution control
PPG24 – Planning and noise
PPG25 – Development and flood risk

Supplementary Planning Guidance and other relevant policies/legislation

Joint Lancashire Structure Plan Supplementary Planning Guidance on parking standards – “Access and parking”

Joint Lancashire Structure Plan Supplementary Planning Guidance – “Landscape and Heritage”

Habitat Regulations

Environmental Impact Assessment Regulations

Environmental Impact Assessment

This application has been accompanied by a full Environmental Impact Assessment.

ANALYSIS OF THE APPLICATION PROPOSAL

Location of Development and Regeneration

Development Plan Policies.

The following development plan policies are relevant to the issues relating to the location of development and the need for regeneration:

Regional Spatial Strategy

Policy DP1: Economy in the Use of Land and Buildings

Policy SD1: The North West Metropolitan Area – Regional Poles and Surrounding Areas

Policy SD2: Other Settlements within the North West Metropolitan Area

Policy SD3: Key Towns and Cities outside the North West Metropolitan Area

Joint Lancashire Structure Plan 2001 – 2016.

Policy 2: Main Development Locations

Fylde Borough Local Plan (Inc Alterations Review)

Policy SP1: Development within Settlements

Policy EMP2: Existing Business and Industrial Areas

Comments and Analysis

In terms of its general location, the proposed development is situated on a previously developed site within the principal urban area of Blackpool /Thornton/ Cleveleys/ Fleetwood/ Lytham/St Annes, which is itself defined as a Regeneration Priority Area.

The proposal thus falls within the development plan so far as Policies DP1 and SD3 of RSS and Policy 2 of the JLSP.

However, in terms of a more local and detailed consideration, the application site extends substantially into an area of undesignated land outside the urban boundary (to the south of former Cooksons Bakery and the former Saddlers site) and contiguous with the open area of the Ribble Estuary which carries a number of nature conservation designations. In this respect the proposal conflicts with Policy SP1 of the Fylde Borough Local Plan.

The proposal also conflicts with Policy EMP2 of the Fylde Borough Local Plan since a substantial part of the application site falls within a designated business and industrial area.

In terms of a consideration of location therefore, elements of the development plan both support and argue against the proposed development. However, in this respect greater weight should be placed on the local plan policies, which argue against the proposal, because this is the more detailed and site specific element of the development plan.

It is important within this consideration however to assess whether these breaches of policy would actually cause harm to planning interests.

In respect of the breach of Policy SP1, the degree or otherwise to which nature conservation and environmental interests (views along the coast) are damaged and land contamination issues are raised by the proposal are covered later in this report.

In relation to the breach of Policy EMP2, the conflict is mitigated to a degree by the fact that the application includes just over 4 ha of land proposed for business and industrial use within the wider area of the application site. However this is a relatively small area compared with the 13 ha currently designated under the policy. The net loss of business and industrial land is thus about 9ha. The issue of the loss of business and industrial land is also covered later in the report.

The applicant has placed very high significance on the concept of regeneration within the application and makes reference in the supporting statement to RSS Policy SD3. This identifies 'Lancashire's coastal towns, including Fleetwood and Morecambe' as a Regional Priority Area within which 'there is a need for development and re-development to ensure the physical enhancement, significant regeneration and gradual restructuring' of the area.

Whilst it is not disputed that Lytham is one of Lancashire's coastal towns and thus falls within the Regeneration Priority Area, it is essential that the need for regeneration of Lytham is given some critical examination.

The particular reference in the policy is to Morecambe and Fleetwood and this seems to make sense. Those are self evidently towns which require structural regeneration. The table below shows a statistical comparison of those towns and Blackpool with Lytham. The comparison uses an analysis of the index of multiple deprivation undertaken in 2004.

The indices of multiple deprivation combine information relating to the following matters into an overall measure of deprivation:

- income
- employment
- education
- health
- skills and training
- barriers to housing and services
- crime

The table shows the three most deprived super output areas (SOAs) within the compared towns. There are normally three or four SOAs within a ward.

There are 940 SOAs in Lancashire, the most deprived SOA in Lancashire is given a score of 1 and the least deprived a score of 940. The scores shown in the table should be read in this context.

Town	1st most deprived area	2nd most deprived area	3rd most deprived area
Blackpool	2	3	4
Morecambe	6	25	29
Fleetwood	44	65	107
Lytham	498	670	729

Source www.lancashire.gov.uk

The table shows that the SOAs in Blackpool, Morecambe and Fleetwood are significantly more deprived than the SOAs in Lytham.

On the basis of this evidence, it is suggested that Lytham has little need for regeneration compared to the other towns and as such the issue of need for regeneration should be afforded only little weight in the consideration of the planning application. In this context it would be unreasonable to view the regeneration issue as a strong positive argument in the context of other significant matters telling against the application proposals.

It is acknowledged that there is a need to re-develop the Dock Road site. However, this local and discrete factor should not be confused with any over-riding need, in regional terms, for regeneration of the wider Lytham area.

Nothing in the supporting information provided by the applicant says that the submitted scheme is necessary to ensure redevelopment of the application site.

Accepting that there is a local need to re-develop the Dock Road site, your officers take the view that a much more modest mixed development scheme could achieve this objective without the degree of harm to planning interests described in this report.

Housing Proposals: Scale and Phasing

Development Plan Policies

The following development plan policies are relevant to the scale/phasing of proposed housing:

Regional Spatial Strategy

Policy UR7: Regional Housing Provision

Policy UR8: A Phasing Mechanism for the Release of Housing Land

Joint Lancashire Structure Plan 2001 – 2016

Policy 12: Housing Provision

Fylde Borough Local Plan (Inc Alterations Review)

Policy HL1: Housing Release

Comments and Analysis

RSS Policy UR7 establishes a distribution of housing provision for the North West Region. Within this distribution, Lancashire (including Blackburn with Darwen and Blackpool) is given an annual average provision of 2,690 dwellings. Of this, in Policy 12 of the Joint Lancashire Structure Plan, Fylde Borough is given an annual average requirement of 155 dwellings in the period 2001 - 2016.

RSS Policy UR8 indicates the importance of managing the release of housing sites in line with the 'plan, monitor and manage' approach.

This theme is picked up by Policy 12 of the JLSP which also places considerable emphasis on the need to release housing sites having regard to the *annual* rates of provision and points to refusing planning permission where districts are over-provided with housing land with planning permission.

The exception to this is where planning applications make an ‘essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project’.

Policy HL1 of the recently adopted Alterations Review of the Fylde Borough Local Plan is in general conformity with the JLSP and seeks to restrict the grant of planning permission generally. However the policy identifies exceptions where, inter alia, the proposal is on previously developed land and at least 60% of the dwellings are proposed to be affordable in the terms identified in the Housing Needs Survey (exception 3) or where, inter alia, the proposal forms a key element within a mixed use regeneration project of sufficient benefit to the borough as a whole to override the issue of housing supply (exception 9).

The planning application proposes as part of the mixed scheme the construction of 2734 apartments.

At the base date of 31st March 2005, housing commitments were equivalent to last up till 2016 at the rate of development provided for in the Joint Lancashire Structure Plan. The following tables summarise the housing land requirement/supply position.

HOUSING REQUIREMENT	Dwellings
Annual Housing Requirement (Joint Lancashire Structure Plan)	155
Housing Requirement 2001 – 2016 (Joint Lancashire Structure Plan)	2325
Dwellings Already Built (2001- 2005)	1017
Net Housing Requirement (2005 – 2016)	1308

HOUSING SUPPLY	Dwellings
Dwellings Under Construction (March 2005)	365
Dwellings With Planning Permission (March 2005)	942
Total Supply	1307
Housing Requirement to April 2016 (1308 – 1307)	1

The tables show that Fylde Borough is currently in a position of gross housing oversupply. This fact and the fact that the application proposes very high numbers of dwelling units are material considerations in the determination of this planning application.

In particular, if the planning application was to be granted permission, this would provide a further 17 years supply and the total supply of housing land would be sufficient to last until 2033 (at the rate of development provided for in the JLSP).

With regard to exception 3, the application does not propose the provision of 60% affordable housing. Your officers calculate the true offered proportion at just 22%. This issue is further explained in the section on affordable housing. On this basis the application does not fall within exception 3.

In relation to exception 9, two matters are considered to disqualify the application:

First of all, the scale of the housing proposal and the fact that your officers believe that it need not be so large to make a mixed use proposal viable on the site, means that the housing element is not a 'necessary' or 'key' element in terms of the wording of the policy. Given the context of the fundamental policy restrictions on new housing development, there must be a responsibility on the part of the applicant to moderate the scale of the housing component to that which is necessary to underpin the viability of the redevelopment of the site.

Secondly, it is disputed that the proposal, particularly in terms of its residential component, would 'benefit the borough as a whole' since there would be significant disbenefits to the borough in terms of locating a very large proportion of the entire long term housing supply in one location. This of necessity would restrict provision in other parts of the borough.

For these reasons, the application does not fall within exception 9.

It is of note that nowhere in the applicant's submissions is it actually claimed that the housing element falls within exception 9.

In conclusion on this issue, it is considered that the proposal does not fall within development plan policy. In response to the very significant over-supply of land with planning permission for housing in the borough, Policy HL1 of the Fylde Borough Local Plan contains a general presumption against the grant of further planning permissions for residential development other than in the circumstances of the particular exceptions expressed in the policy. The proposal does not fall within any of the defined exceptions. As such, the proposal, if approved, would conflict with the provisions of Policy HL1 and would unnecessarily exacerbate the current over-supply of housing land. This would run counter to the need to plan, monitor and manage the housing supply in the borough and would significantly restrict the ability of the local planning authority to plan for a more sustainable and equitable distribution of housing land throughout the borough.

Housing Proposals: Affordable Housing

Development Plan Policies

The following development plan policies are relevant to the scale/phasing of proposed housing:

Regional Spatial Strategy

Policy UR9: Affordable Housing

Joint Lancashire Structure Plan 2001 – 2016

Policy 12: Housing Provision

Fylde Borough Local Plan (Inc Alterations Review)

Policy HL1: Housing Provision

Comments and Analysis

RSS Policy UR9 acknowledges the general need for affordable housing in the North West and indicates that local authorities should address this need in their development plans.

Other than in a general sense, Policy UR9 does not have a direct bearing on the planning application.

JLSP Policy 12 itself is silent on the issue of affordable housing. However, the related lower case text in placing considerable emphasis on the need to restrict the release housing sites having regard to the *annual* rates of provision, and the need to refuse planning permission where districts are over-provided with housing land, defines an exception to the rule whereby planning applications which make an ‘essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project’, can be approved.

This policy exception is developed further in the FBLP Policy HL1. This policy allows (inter alia):

- increases in dwelling numbers in respect of extant planning permissions, providing that this results in a wider choice of housing in terms of size and type of dwellings (exception 1);
- housing developments on previously developed sites in Lytham St Annes and Kirkham/Wesham, providing that at least 60% of the dwellings are affordable (exception 3);
- housing which meets the special needs of vulnerable sections of the community within the borough (exception 4); and
- housing which forms a key element within a mixed use regeneration project of sufficient benefit to the borough as a whole to override the issue of quantitative over-supply, providing that a maximum quantity of affordable housing is included (exception 9).

In terms of the consideration of the planning application, most weight should be given to the local plan policy because this specifically addresses the affordable housing issue in the borough.

In relation to this, your officers’ take the view that since the current applications are made in respect of a mixed use development over a much wider application site; they cannot be construed as an amendment to the extant residential planning permissions at the former Sadlers and Cooksons Bakery sites. As such it is suggested that exception 1 of the policy is not relevant to the current applications.

With regard to exception 3, the applicant’s supporting statement proposes the provision of some 600 affordable dwellings. It suggests that the provision of 295 sheltered and 306 extra-care units would also contribute toward the minimum 60% affordable housing target.

However, the applicants are wrong in these submissions. Sheltered housing does not equate with

affordable housing. This is made explicit in the recent Inspector's Report into the Alterations Review. Whereas special needs housing for vulnerable members of the community are allowed under exception 4 of the policy, there are mixed references in the applicant's supporting statement variously to 'special needs' housing, 'special' housing and 'extra-care' housing.

In particular, Figure 5 in the applicant's supporting statement makes reference to extra-care provision only. Again, the Inspector concluded in his report that the term 'extra-care' is not sufficiently distinct from sheltered housing to represent housing to meet 'special needs'.

On this basis, the application offers only (600) 22% of the 2734 dwellings proposed in the application as affordable housing.

Also, in terms of the size of the affordable dwellings to be provided, the HNS identified the highest need for two and three bedroom dwellings, not one and two bedroom dwellings. There is thus a mismatch between the needs identified in the HNS and the proposals contained in the application.

This mismatch relates also to the tenure of the affordable housing proposed. Whilst the HNS identifies the need for 97% of the affordable housing to be social rented, the application proposal appears to offer just 234 rented affordable dwellings out of a total affordable housing requirement of 1640. This equates to a social rented equivalent of just 14%.

If the application were permitted in the terms submitted, this would make it very difficult to permit other housing proposals elsewhere in the borough because of the compounding housing land supply issue. In turn, this would mean that it would be difficult to provide affordable housing through the planning process elsewhere. This would be contrary to the borough's best interests since the Housing Needs Survey (2002) identified needs other than in the Lytham sub-area.

For all these reasons, the housing proposal fails to a significant degree to meet the terms of exception 3 of Policy HL1.

The housing proposal also fails to justify consideration under exception 4 since the supporting statement does not provide:

- any evidence of need in relation to the types of vulnerable groups listed in the policy;
- any evidence of types of special needs dwellings that may be needed;
- any evidence in relation to the numbers of special needs dwellings required; or
- a proper explanation of what is to be provided in terms of special need dwellings.

Whilst, the statement points to the provision of a possible commuted sum in addition, the amount of the sum is not stated.

If the applicants are asking for the provision of a commuted sum to be considered as a material consideration, then this should have been defined within the application. It would be most reckless of the local planning authority to be prepared to grant planning permission subject to the provision of an undefined commuted sum.

Housing Proposals: Type and Size of Dwellings

Development Plan Policies

There are no development plan policies which are relevant to the type of dwellings proposed within the application.

However, PPG 3: Housing does provide advice on this issue. Under the heading, 'Creating mixed Communities-Influencing the Type and Size of Housing' the document urges local authorities to:

- Create mixed and inclusive communities, which offer a choice of housing and lifestyle;
- Ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics;
- Assess the composition of current and future households, and of the existing housing stock in order to formulate plans which secure an appropriate mix of dwelling size, type and affordability in new developments;
- Encourage the provision of housing to meet the needs of special groups; including the elderly, the disabled, students and young single people, rough sleepers, the homeless, key workers, travellers and occupiers of mobile homes.

Comments and Analysis

The planning application is submitted in terms of 2,734 one and two bedroom apartments.

In terms of the type and size of the proposed dwellings, this seems to directly conflict with the broad advice in PPG 3 which is to 'avoid the creation of large areas of housing of similar characteristics'.

At the start of pre-application discussions, the applicants were asked to produce a housing needs assessment for the borough so that this could provide assistance in determining and justifying the residential composition of the application proposal. This request was also made subsequently in discussions. Although the applicants agreed to produce such an assessment, nothing has been submitted to the Council other than the 'supporting statement' produced by Michael Courcier and Partners.

This document is virtually silent on the issue of housing types and sizes other than to indicate that a mix of standard market, affordable/sheltered and extra care accommodation 'will create a mixed and viable community'.

Your officers consider that given the very large scale of the residential component, and the related issue, if approved, of housing commitments lasting to 2033, it would be absolutely necessary to try to relate the proposed provision of dwellings to existing and future housing needs within the borough.

In light of the absence of the requested information, there is no conclusive evidence to suggest that the housing proposals would actually meet the housing needs of the borough.

Also, in the absence of information on the market sector or customer profile which would likely be attracted to the development, it is hard to reject the subjective probability that the proposal would encourage further retired/semi-retired and second home owners into the borough. If this was the case, then this would compound the problems associated with a disproportionately high number of elderly residents in Lytham.

In conclusion, it is felt that the housing proposals in terms of the restricted types and sizes proposed have not been justified. In the absence of such justification, there remains a probability that the range of housing could actually fail to meet the needs of the population and actually compound the current

population imbalance and thus cause social and economic harm to the area.

Also, the restricted proposed range of housing types and sizes would directly conflict with the government's objective of avoiding 'the creation of large areas of housing of similar characteristics'. A development of 2734 dwellings in a small town such as Lytham would most certainly constitute a large housing area.

Loss of Industrial Land

Development Plan Policies

The following development plan policies are relevant to the scale/phasing of proposed housing:

Joint Lancashire Structure Plan 2001 – 2016

Policy 14: Business and Industrial Land Provision

Fylde Borough Local Plan (Inc Alterations Review)

Policy EMP 2: Existing Business and Industrial Areas

Comments and Analysis

The planning application is submitted partly in respect of land which is designated as Existing Business and Industrial Area in the adopted Fylde Borough Local Plan (Policy EMP 2: Dock Road/Preston Road, Lytham.) Two areas of land are involved:

The land to the south of Liggard Brook extends to about 6.6 ha, and the land to the north of Liggard Brook extends to about 6.7 ha. This gives a combined area of about 13.3 ha.

The Lytham Quays application provides for the following business and industrial uses:

South of Liggard Brook

Existing Helical Technology:	0.7 ha
Proposed offices/business centre:	0.8 ha
Total:	1.5 ha

North of Liggard Brook

Proposed general warehouses/offices 2.6 ha

Overall Total: 4.1 ha

The above figures demonstrate that, if approved and implemented, there would be a loss of some 9.2 ha of land currently designated as business and industrial land.

The actual loss would be smaller than this since some of the land uses which form part of the application area were in non-Class B uses. Policy EMP2 does not attempt to protect these areas.

JLSP Policy 14 requires local authorities to review their historic business and industrial land

allocations with a view to either retaining them or releasing them to other uses. In connection with the proposed Business and Industrial Land Allocation Policies DPD, this Council has appointed consultants to review all existing and allocated business and industrial sites. This work is on-going but has not yet been completed. For this reason your officers are not yet in a position to assess the importance of the loss of this land and its contribution to the local economy and the local provision of goods and services. As such, at this time, there is a strong argument to support refusal of the planning application on the grounds of prematurity.

Whilst it may be possible to make compensatory allocations of land elsewhere in the borough, it would be highly unlikely that this could be made in the Lytham area, and any such new allocations are likely to command much higher prices than the 'tertiary' type of accommodation formerly provided in the Dock Road/Preston Road areas.

The applicants place emphasis on two main factors:

- The (existing) business and industrial land would be unlikely to be viable given the level of investment required to facilitate redevelopment;
- The planning application scheme would make more efficient use of the land in employment and commercial terms and would offer more flexibility in terms of the buildings and accommodation to be provided. It would provide a qualitative and quantitative improvement in terms of the accommodation to be provided.

The validity of both these positions is questioned. With regard to the first point, now that Kensington Developments have a controlling interest in the wider area including the Sadlers and Cooksons sites, the potential to secure a comprehensive environmental improvement to the wider area and provide an improved access means that the background circumstances which prevailed at the time of the 'Sadlers' appeal inquiry have changed significantly. The applicants have not submitted information to show that redevelopment of the business and industrial area would not be viable.

The planning application is in outline only and therefore the re-development proposals are only possible scenarios at this stage.

The one certain fact is that the amount of business and industrial land under the application proposals would be significantly reduced. The applicants make no serious argument to suggest that the amount of business and industrial land (as existing) could not be retained or even increased within the proposed scheme.

As such, within the terms of Section 38(6) of the 2004 Act, there is no stated reason to depart from the provisions of the development plan as recorded in Policy EMP2 of the adopted local plan.

Other considerations

There are a number of other material considerations which have not been covered up to now in the report. Some of them are covered elsewhere, for example in the comments from County Planning and English Nature on Ecological issues (full comments appended to the report) and from the Environment Agency on contamination issues.

The other major considerations can be considered as follows:-

- Highways
- Ecology
- Flood Risk
- Education
- General DC issues
- Employment

- Tourism
- Impact on Town Centres
- Area improvements
- Leisure uses

As stated above some of these considerations are referred to elsewhere, however it is important to reflect on those that are not considered

Highways

Lancashire County Highways have been consulted and they are opposed to the development on highway grounds. This is in terms of the access arrangements and the impact on road capacity of the development

Ecology

On the ecological issues the County Council Ecologist, English Nature, Environment Agency, Lancashire Wildlife Trust and the RSPB have objected on ecological grounds, including a lack of sufficient information to make a proper judgement.

Flood Risk

The Environment Agency have objected to the proposal on grounds of flood risk

Education

No objections raised by the County Education officer on the basis that a new primary school is constructed as part of the development and that there is also a financial contribution to expand existing senior schools.

General DC issues and Design

The proposed development is the biggest application that Fylde has had to deal with. The scale and massing of it is huge and therefore a major consideration of this proposal is the impact on the town of Lytham. As stated earlier in a non-contextual perspective, this scheme has everything. It is visually striking, has a mix of compatible and complimentary uses and is innovative in its entire design concept. The scheme has been developed following an international design competition sponsored by the Royal Institute of British Architects and the winning design is both friendly and familiar as well as being contemporary and using high levels of technological innovation. There is a definite nautical feel about the design and the buildings and spaces between them make best use of the land on offer. The development is very high density, but the use of high buildings could provide a spacious and uncramped development.

The problem, however is that you can't look at the development in isolation and due to the size of the development it is not just a question of the immediate surroundings but its impact on the wider area. The developer and his architects and engineers have tried admirably to deal with this issue, but your officer's view is that they have failed to counter the impact that this development will have on Lytham.

The scale and massing and intensity of the development will in the officer's opinion have a significant negative impact on the character of the area. Despite acknowledging that the area is in need of some investment and regeneration, the overwhelming scale of the proposed development is unacceptable. In your officer's opinion a much smaller scale development on this site may be acceptable in terms of its affect on Lytham It would have to be significantly smaller and would have to overcome the other policy concerns including the loss of industrial land and housing over-supply.

Employment and Tourism (Economic Development)

Development Plan policies including RPG policy CZ3 (Coastal Communities and Economic Development) encourage the diversification of coastal economies by developing tourism. There is no doubt that the proposed development would provide significant levels of employment and in principle, new jobs in the area should be welcomed. The initial jobs would of course be involved during the construction period. Jobs however would also be provided in the service industries and in the new industrial units that would be created. There would also indirect employment as a result of the development which would benefit other businesses in the area.

Tourism is a significant employer particularly along the coastal resorts of the northwest. A development of this magnitude would certainly provide opportunities and attract visitors to Lytham, the development site as a whole and the general area as well. The proposed development would therefore have a positive impact in terms of jobs and tourism. Some of the types of uses, such as cafes, restaurants and shops may employ significant levels of people in the long term. However the forms of uses on the development site may themselves impact on the Lytham Town Centre Area and put existing businesses in jeopardy. Although the planning system is neutral on the issue of business competition, general planning policy is now protective towards existing town centres. The development may well impact in a negative way on the vitality and viability of Lytham Town Centre.

Impact on Town Centres

As stated above there is concern regarding the impact of the proposed development on nearby town centres, in particular, Lytham. There is insufficient information put forward with the application to demonstrate that there will be no detrimental impact on Lytham and other town centres, due to the leisure, retail and commercial proposed as part of this development. Although there are only small individual elements of retail and A3 uses as part of the development, it is considered that cumulatively these are significant and may impact detrimentally on Lytham in particular. The information on the likely impact was asked for at the initial discussion stage of the application process.

Improvements to the area

The application site comprises significant amounts of redundant and derelict land. The general „Dock Road area“ has been in decline for many years and it is now run down and in need of significant investment. It is unlikely that public money will be provided to do this and so there is reliance on the private sector to do this. Some people may say that the applicant as a land owner and developer has been to blame for the decline in Dock Road. However it is fair to say that there were already clear signs of decay before the developer undertook buy outs and land clearance. A number of businesses do remain and it is in their interest to see some investment in the area. The proposed development will transform this area in terms of its appearance and create a high quality environment for businesses and residential development. However your officer's view is that the development proposed to accomplish this is excessive and a much more modest development would have the desired effect, subject the compliance with all other planning considerations

Leisure Proposals

The development has a number of leisure proposals which not only would serve the existing population of Lytham but future residents as well. It would also bring in tourist visitors from outside the area. Most people would be envious of the type of facilities that will be on offer. It is unlikely that these facilities can be realistically accommodated in the town elsewhere. However are these facilities needed or are they simply desirable. It is probably the latter and despite the majority of people probably wanting such great facilities there is no justifiable need being put forward to justify their presence as part of a development proposal. A smaller scheme could provide some of the leisure facilities, but not at the scale of the development proposed.

Conclusions

Despite the impressive nature of what is proposed there are very strong Development Plan reasons for rejecting this application. In short the proposal contravenes development plan policies on a number of issues including the following:-

- Settlement policy
- Housing policy
- Business and Industrial land policy
- Flood risk

Insufficient information has also been submitted with the application to determine it's likely affects on issues including the following:-

- Ecological impact
- Impact on town centres of the retail and leisure elements
- Impact on the highway infrastructure
- Contaminated land

In terms of other material considerations the scheme is an exciting and innovative development of a large brown field site. Jobs that would be created, would be of benefit to the local community. In principle the development of a largely run down and derelict area will provide for significant regeneration and aesthetic improvement. The leisure centre, cinema, coastal footpath, ice rink and other leisure facilities will be of benefit to the wider local community, setting aside the impact of the development on other matters. However none of these matters either individually or cumulatively would be sufficient to outweigh the fundamental conflicts with the development plan. The fact that it has not been possible due to insufficient information to assess the impact on ecological and other matters raises very significant concerns in relation to the harm that could occur to other very significant planning interests.

This application should therefore be refused.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposed development is contrary to Policy SP1 of the adopted Fylde Borough Local Plan in that the application area extends beyond the limits of development for Lytham identified on the proposals map. No justification has been submitted by the applicant to show why planning permission should be granted on this land as an exception to policy. Development proposed on the land outside the limits of development would result in harm to planning interests. In particular the proposal would harm:

- The general character of Lytham

The form of development in the existing locality

In addition the lack of information provided with the application is insufficient to allow the Local Planning Authority to properly assess the affects of the development on the ecology of the area. This is particularly important given the International and National importance of the Ribble Estuary for nature and ecological conservation reasons

- 2 There is a very significant over-supply of land with planning permission for housing in Fylde Borough. Increasing the existing housing supply by a further 2734 dwellings (of similar large number) would exacerbate the existing housing land supply situation unnecessarily. It would also run

counter to the need to plan, monitor and manage the housing land supply and as such would be contrary to the strategic housing strategies as expressed in Policies UR7 and UR8 of the Regional Spatial Strategy and Policy 12 of the Joint Lancashire Structure Plan.

- 3 In response to the very significant over-supply of land with planning permission for housing in the borough, Policy HL1 of the Fylde Borough Local Plan contains a general presumption against the grant of further planning permissions for residential development other than in the circumstances of the particular exceptions expressed in the policy. The proposal does not fall within any of the defined exceptions. As such, the proposal, if approved, would conflict with the provisions of Policy HL1 and would unnecessarily exacerbate the current over-supply of housing land. This would run counter to the need to plan, monitor and manage the housing supply in the borough and would significantly restrict the ability of the local planning authority to plan for a more sustainable and equitable distribution of housing land throughout the borough.
- 4 The provision of 2734 one and two bedroom apartments would conflict with the advice contained in PPG3: Housing. In particular, the proposal if approved, would create a large area of housing of similar characteristics, and would run counter to the objectives of creating mixed and balanced communities, and providing a choice of dwelling types and sizes. The effect of this restriction would be exaggerated by the inability of the local planning authority to grant planning permission for further housing developments of other types of dwellings and in other locations.
- 5 No substantive evidence has been provided to indicate that the numbers and types of dwellings proposed would meet the needs of the borough and the composition of current and future households. Given the very large number of dwellings proposed, the lack of choice in dwelling type, their location in one place, and the restricted opportunities for allowing other housing developments in the borough, the granting of planning permission would be unreasonable and could lead to harm to planning interests. In particular, the provision of one and two bedroom apartments on the scale and in the location proposed could
 - increase the proportion of elderly and retired people in Lytham specifically and in the borough generally to the further detriment of a balanced age structure; thus causing social and economic harm to the area;
 - increase the number of holiday homes in the area;

This may fail to meet the needs of the current and future households and could cause social and economic harm to the area.

- 6 The proposal would be contrary to the provisions of Policy EMP2 of the adopted Fylde Borough Local Plan which seeks to provide for the development needs of business and industry by retaining identified land in business and industrial use. The proposal would result in a significant reduction in the amount of business and industrial land available locally. No substantive evidence has been submitted by the applicants to justify the local planning authority taking a decision as an exception to the above policy.
- 7 No evidence has been submitted by the applicants in respect of the value and importance of the business and industrial land to be lost to this use within the application site, to the local economy and the local provision of goods and services. The Council has commissioned work to review the supply of business and industrial premises in the borough, including the land at Dock Road/Preston Road Lytham, but this review has to date not been completed. The proposal is therefore premature pending the outcome of this study.
- 8 Insufficient information has been provided with the application to properly assess the impact of the proposed development on the adjacent SSSI and the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar site. The proposal therefore, based on the information

provided, could cause harm to nature conservation interests.

- 9 The development of the proposal in an area of known flood risk and without sufficient measures to deal with flooding would be contrary to Policy ER8 of Regional Planning Guidance, Policy 24 of the Joint Lancashire Structure Plan, EP30 of the Fylde Borough Local Plan and the aims and objectives of PPG25
- 10 The planning application together with the supporting documentation accompanying the application does not contain sufficient information on the issue of how the contaminated land, which forms part of the site, will be dealt with. The proposal is therefore contrary to policy EP29 of the Fylde Borough Local Plan.
- 11 The scale and massing of the proposed development will be out of character with its immediate surroundings and also the general character of Lytham. The proposal will therefore have a serious detrimental impact on Lytham as a whole and be contrary to the basic principles of development and national planning guidance in the form of PPS1.
- 12 The planning application together with the supporting documentation accompanying the application, including a Traffic Impact Assessment, does not contain sufficient information, on the issue of how the highway network will manage the increase in traffic as a result of the development. In any event the increase in traffic numbers indicated in the TIA will have a detrimental impact on the residential amenity of the occupiers of dwellings fronting the highway network due to increases in noise and activity. This would also have a detrimental impact on the character of Lytham
- 13 The proposed development by reason of its scale, massing and proximity to nearby residential properties will have a detrimental impact on the residential amenity of those properties and be contrary to Policy HL2 in terms of amenity and privacy.
- 14 The planning application together with the supporting documentation accompanying the application, does not contain sufficient information on the impact of the proposed development on Lytham town centre. In the absence of any substantial town centre impact study, the proposed development, which includes a significant proportion of retail, leisure and A3 uses, could have a detrimental impact on the vitality and viability of Lytham Town Centre and would therefore be contrary to policy SH15 of the Fylde Borough Local Plan and the principles contained in PPS6 regarding the sequential approach to such forms of development.

1. The proposed development is contrary to Policy SP1 of the adopted Fylde Borough Local Plan in that the application area extends beyond the limits of development for Lytham identified on the proposals map. No justification has been submitted by the applicant to show why planning permission should be granted on this land as an exception to policy. Development proposed on the land outside the limits of development would result in harm to planning interests. In particular the proposal would harm:

The general character of Lytham

The form of development in the existing locality

In addition the lack of information provided with the application is insufficient to allow the Local Planning Authority to properly assess the affects of the development on the ecology of the area. This is particularly important given the International and National importance of the Ribble Estuary for nature and ecological conservation reasons

2. There is a very significant over-supply of land with planning permission for housing in Fylde Borough. Increasing the existing housing supply by a further 2734 dwellings (of similar large number) would exacerbate the existing housing land supply situation unnecessarily. It would also run counter to the need to plan, monitor and manage the housing land supply and as such would be contrary to the strategic housing strategies as expressed in Policies UR7 and UR8 of the Regional Spatial Strategy and Policy 12 of the Joint Lancashire Structure Plan.
3. In response to the very significant over-supply of land with planning permission for housing in the borough, Policy HL1 of the Fylde Borough Local Plan contains a general presumption against the grant of further planning permissions for residential development other than in the circumstances of the particular exceptions expressed in the policy. The proposal does not fall within any of the defined exceptions. As such, the proposal, if approved, would conflict with the provisions of Policy HL1 and would unnecessarily exacerbate the current over-supply of housing land. This would run counter to the need to plan, monitor and manage the housing supply in the borough and would significantly restrict the ability of the local planning authority to plan for a more sustainable and equitable distribution of housing land throughout the borough.
4. The provision of 2734 one and two bedroom apartments would conflict with the advice contained in PPG3: Housing. In particular, the proposal if approved, would create a large area of housing of similar characteristics, and would run counter to the objectives of creating mixed and balanced communities, and providing a choice of dwelling types and sizes. The effect of this restriction would be exaggerated by the inability of the local planning authority to grant planning permission for further housing developments of other types of dwellings and in other locations.
5. No substantive evidence has been provided to indicate that the numbers and types of dwellings proposed would meet the needs of the borough and the composition of current and future households. Given the very large number of dwellings proposed, the lack of choice in dwelling type, their location in one place, and the restricted opportunities for allowing other housing developments in the borough, the granting of planning permission would be unreasonable and could lead to harm to planning interests. In particular, the provision of one and two bedroom apartments on the scale and in the location proposed

could increase the proportion of elderly and retired people in Lytham specifically and in the borough generally to the further detriment of a balanced age structure; thus causing social and economic harm to the area;

increase the number of holiday homes in the area;

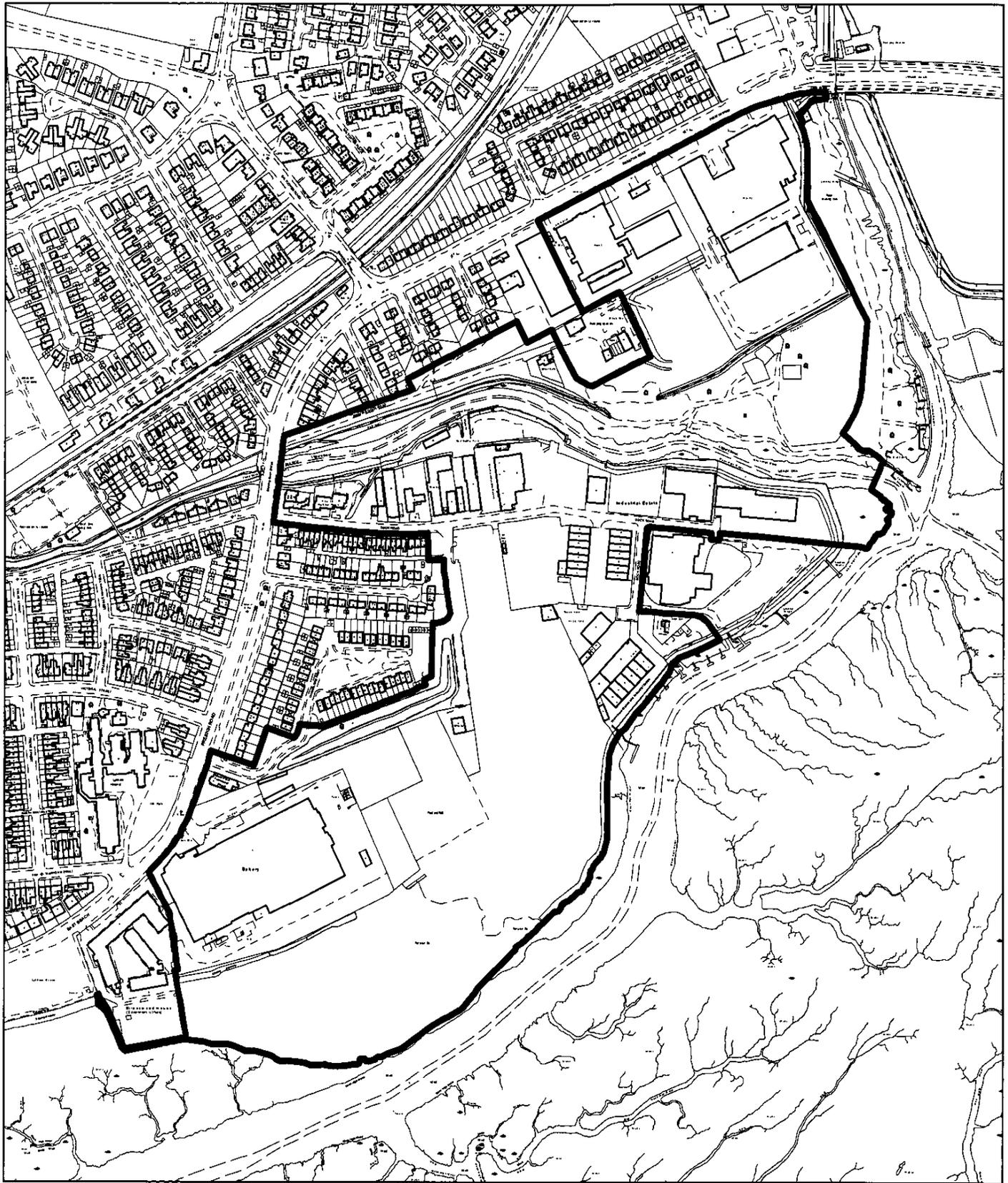
This may fail to meet the needs of the current and future households and could cause social and economic harm to the area.

6. The proposal would be contrary to the provisions of Policy EMP2 of the adopted Fylde Borough Local Plan which seeks to provide for the development needs of business and industry by retaining identified land in business and industrial use. The proposal would result in a significant reduction in the amount of business and industrial land available locally. No substantive evidence has been submitted by the applicants to justify the local planning authority taking a decision as an exception to the above policy.
7. No evidence has been submitted by the applicants in respect of the value and importance of the business and industrial land to be lost to this use within the application site, to the local economy and the local provision of goods and services. The Council has commissioned work to review the supply of business and industrial and premises in the borough, including the land at Dock Road/Preston Road Lytham, but this review has to date not been completed. The proposal is therefore premature pending the outcome of this study.
8. Insufficient information has been provided with the application to properly assess the impact of the proposed development on the adjacent SSSI and the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar site. The proposal therefore, based on the information provided, could cause harm to nature conservation interests.
9. The development of the proposal in an area of known flood risk and without sufficient measures to deal with flooding would be contrary to Policy ER8 of Regional Planning Guidance, Policy 24 of the Joint Lancashire Structure Plan, EP30 of the Fylde Borough Local Plan and the aims and objectives of PPG25
10. The planning application together with the supporting documentation accompanying the application does not contain sufficient information on the issue of how the contaminated land, which forms part of the site, will be dealt with. The proposal is therefore contrary to policy EP29 of the Fylde Borough Local Plan.
11. The scale and massing of the proposed development will be out of character with its immediate surroundings and also the general character of Lytham. The proposal will therefore have a serious detrimental impact on Lytham as a whole and be contrary to the basic principles of development and national planning guidance in the form of PPS1.
12. The planning application together with the supporting documentation accompanying the application, including a Traffic Impact Assessment, does not contain sufficient information, on the issue of how the highway network will manage the increase in traffic as a result of the development. In any event the increase in traffic numbers indicated in the TIA will have a detrimental impact on the residential amenity of the occupiers of dwellings

fronting the highway network due to increases in noise and activity. This would also have a detrimental impact on the character of Lytham

13. The proposed development by reason of its scale, massing and proximity to nearby residential properties will have a detrimental impact on the residential amenity of those properties and be contrary to Policy HL2 in terms of amenity and privacy.

14. The planning application together with the supporting documentation accompanying the application, does not contain sufficient information on the impact of the proposed development on Lytham town centre. In the absence of any substantial town centre impact study, the proposed development, which includes a significant proportion of retail, leisure and A3 uses, could have a detrimental impact on the vitality and viability of Lytham Town Centre and would therefore be contrary to policy SH15 of the Fylde Borough Local Plan and the principles contained in PPS6 regarding the sequential approach to such forms of development.



<p>D I Wilkinson - Business Manager The Built Environment Unit Fylde Borough Council</p>		<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</p>		
<p>Application No. 5/05/0541 & 0542</p>	<p>Address Lytham Quays Dock Road, Lytham</p>	<p>Grid Ref. E.3379 : N.4274</p>	<p>Scale N.T.S.</p>	<p>Item No. 1 & 2</p>

Item Number: 2

Application Reference: 05/0542	Type of Application: Full Planning Permission
Applicant: Kensington Developments Ltd	Agent :
Location: LYTHAM QUAYS, DOCK ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5A	
Proposal: FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 10.13 HECTARES - PHASE ONE.	
Parish: St Johns	Area Team: Area Team 1
Weeks on Hand: 14	Case Officer: Mr D Wilkinson
Reason for Delay:	

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

See the comments on application 05/0541 also on the agenda

Reason for Reporting to Committee

The application is a major application and falls outside the type of application that can be delegated

Site Description and Location

This is covered in full in the report for application 05/0541

Details of Proposal

This is covered in full in the report for application 05/0541

Relevant Planning History

Application No	Development	Decision	Date
05/0541	OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 28.902 HECTARES		

Parish Council Observations

None relevant.

Statutory Consultees

All the comments are dealt with in the report for application 05/0541.

Observations of Other Interested Parties

All the comments are dealt with in the report for application 05/0541

Neighbour Observations

These are reported in application 05/0541.

Relevant Planning Policy

These are referred to in application 05/0541.

Environmental Impact Assessment

This application was accompanied by a full Environmental Impact Assessment.

Comment and Analysis

Please see the report for application 05/0541.

Conclusions

Please see the report for application 05/0541.

Recommendation

That Planning Permission be REFUSED for the following reasons:

please see the report for application 05/0541



Cheshire to Lancashire Team

Promoting Nature Conservation in Cheshire, Lancashire, Greater Manchester & Merseyside
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Direct dial: 01942 614023

Fylde Borough Council
The Built Environment Unit
Council Offices
Derby Road
Wesham
PRESTON
PR4 3AJ
For the attention of Mr D Wilkinson

Your Ref: 05/0541
05/0542
Our Ref: (L) SD32/2 G
(L) SD32/2/7

Date: 25 October 2005

Dear Mr Wilkinson

Ribble Estuary Site of Special Scientific Interest (SSSI)
Ribble and Alt Estuaries Special Protection Area (SPA)
Ribble and Alt Estuaries Ramsar Site
Lytham Coastal Changes SSSI

05/0541 -Outline application for mixed development phases 1, 2 and 3
05/05642 - Full planning application for mixed development (phase 1)

Thank you for your letter dated 15 August 2005, received in this office on 17 August 2005 and the subsequent Environmental Statement received on 5 October 2005. As a statutory consultee and advisor for nature conservation in England, English Nature welcomes the opportunity to influence the contents at this stage.

The following comments will address each application in turn, however I draw your attention our earlier comments, dated 21 April 2004. It remains the opinion of English Nature that planning applications should not be considered in isolation if, in reality, they are to be regarded as an integral part of a more substantial development which has the potential to have an impact on a European site. The Conservation (Natural Habitats &c.) Regulations 1994 make provision for impacts to be considered in combination.

Both proposals lie in close proximity to the Ribble Estuary Site of Special Scientific Interest (SSSI) and the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site. Developments within the vicinity of European sites have the potential to affect their nature conservation interests, such as that the Conservation (Natural Habitats &c.) Regulations 1994, (the Habitat Regulations), may apply. English Nature has an advisory role in that process. If a plan or project alone or in combination is likely to have a significant effect, the competent authority is required to carry out an appropriate assessment to determine whether it will have an adverse effect of site integrity.



The accompanying Environmental Statement (ES) identifies how operations within both applications are likely to affect sites and species of conservation importance. However, there are a number of points which in our opinion require further consideration before determining no adverse impact to nature conservation and biodiversity.

As you are aware, part of this proposal lies within former landfill sites. The ES identifies the potential of toxic contaminants entering the European site directly, or indirectly via ground water or Liggard Brook. Despite the preliminary investigations the ES states in paragraph 7.59 '*further intrusive investigation is required to provide data for more definitive assessments of risk.*' and, concludes in 7.167 '*The available evidence indicates that, at least in part, the proposed development site is underlain by contaminated ground, including landfilled wastes. There is a potential for the contaminants present to result in an adverse environmental impact as a result of the proposed development.*' It is the view of English Nature that the current information held in the ES is insufficient from which to ascertain the possible impact of this part of the development on the European site.

The Ribble Estuary European Marine Site (EMS) is also vulnerable to non-toxic contamination i.e. increased nutrients and organic loading. As outlined Chapter 11 any water held within the proposed impounded Liggard Brook will become eutrophic with a build up of organic pollutants. The mitigation proposals outlined in ES have some shortcomings and appear to rely on a future monitoring and management regime which is not fully explained. We would have concerns if at any time heavily enriched water and sediment would need to be flushed from the impounded brook and canal system into the Estuary. We therefore suggest that the water quality issues require a more thorough examination.

Paragraph 6.177 of the ES refers to a loss of habitat, '2ha of grazing marsh associated with Lytham Coastal Changes SSSI'. This SSSI is important for its geology which contributes to the understanding of sea level changes in the north-west region. There is no clear justification for this loss and the proposed mitigation is wholly inadequate. We draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, (as amended) to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI. We also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to English Nature's advice, then you must ensure that:

- notification is given to English Nature of the date and terms of the permission and how, if at all, you have taken account of English Nature's advice.
- the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of English Nature's advice, has been given to English Nature.

The impoundment will also directly affect the Lytham Foreshore Dunes and Saltmarsh BHS site resulting in further loss of 0.8 ha mudflat and 0.5ha saltmarsh habitat. Once again the mitigation for the loss of this UK Biodiversity Action Plan Priority Habitat is inadequate. In addition this BHS site provides an important buffer and helps to protect over-wintering waterfowl from disturbing activities. Any loss therefore, would need to consider indirect impacts to the adjacent European site. Please note further details about impact on the BHS site should be obtained from

your county ecologist.

The ES does not adequately address the up stream effects of the impoundment, where there are known water vole populations. Water voles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), under section 9(4)(a) and (b) only. This protects both their place of shelter and species whilst occupying their shelter. Water voles use banks in river, stream, ditch and drain banks to dig burrows, the proposed development will change the entire character of this habitat having a significant negative impact on water voles

The ES states 'there is lack of trees of appropriate age and structure and buildings to provide roosts for bats' However, bats roost in suitable buildings, usually in and around the roof, and trees so if a development affects either of these (building demolition or tree felling) then a bat survey would be needed to assess the impact on these species. Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats, etc) Regulations 1994). These statutory instruments protect both the species themselves and their associated habitats. Where a development affects a species protected under the Conservation (Natural Habitats, etc) Regulations, a licence issued by Defra will be required to derogate from the provisions of the Regulations. The licence will only be granted where the 3 tests, as set out under Regulation 44, have been satisfied.

Potential recreational pressures are relevant to both applications. The Ribble Estuary EMS is vulnerable to disturbance which can be caused by recreational activities. At no point does the ES explain or assess the scale and nature of these additional recreational activities. Whilst low key recreation does exist alongside and within the estuary any increase or change must be assessed in order to determine its impact and then demonstrate appropriate management to minimise impact. In particular the ES should assess the proposed coastal promenade and boat usage and moorings.

In conclusion, it is the opinion of English Nature that the information accompanying this application is inadequate for your Council to determine this application or otherwise and based on the current level of information provided. English Nature therefore has no alternative but to **object** to this planning application.

With respect to the European site it is English Nature's opinion that the location, scale and type of the proposed development as described in the accompanying ES is likely to have a significant effect on the European site. Any plan or project which is likely to have a significant effect on the European interest will require further detailed consideration in the form of an appropriate assessment (Regulation 48). Regulation 48 (5) dictates that (subject to Regulation 49) the competent authority may only agree to the project after having ascertained that it will not adversely affect the integrity of the European site. This requires that a precautionary approach is taken.

If you have any further queries regarding this matter, please do not hesitate to contact me on the above telephone number.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gazzard', with a large, stylized initial 'G'.

Janette Gazzard
Conservation Officer
Cheshire to Lancashire Team

The Built Environment Unit
The Town Hall
Lytham St. Annes
FY8 1LW

23rd September 2005

For the attention of Mr D Wilkinson.

Dear Mr Wilkinson

**Ref:- Development Applications 05/0541 & 542.
Mixed development at Lytham Quays**

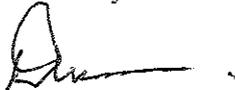
Although outline permission exists for the area in general terms covered by what is described as Phase 1 of these applications this only covers 248 houses and so we contend App'n. 05/0542, which is for 975 houses, is for a completely different scheme which does not have prior outline planning approval. In addition, since App'n. No. 0542, described as Phase One, covers a constituent part of the whole scheme covered by App'n. No. 0541 we are grouping these two applications together and our comments here apply to both.

We wish to object to both these development applications. The grounds for our objection are summarised here with expanded statements on each in the addendum.

1. The scale and nature of the whole development means that it has implications for areas outside the Borough and should be covered by an assessment of regional implications.
2. The development is primarily for dwellings whereas much of the site is designated for industrial use in the Local Plan.
3. The expensive nature of the construction of the buildings and surroundings and predictably high maintenance costs preclude the possibility of providing adequate and suitable affordable dwellings.
4. The proposed numbers of affordable dwellings is too low.
5. The lack of infrastructure.
6. The shortage of adequate employment prospects in the neighbourhood.
7. The lack of adequate transport infrastructure.
8. Much of the site is in the flood plain and not appropriate for housing and flood defence provision is inadequate.
9. Impact on the adjacent Biological Heritage Site.
10. Lack of recreational green space on the site and impact on the adjacent Greenbelt and SSSI

We trust you will consider our objections and recommend refusal of these two development applications.

Yours sincerely,



D A Moore.
Planning Officer
Fylde District Group, CPRE

CPRE
FYLDE
DISTRICT
GROUP



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Gerrie Willox OBE

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Peter Benson

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01772 632252

*Fylde District Group is
part of CPRE Lancashire
Branch - The Lancashire
Branch of the Campaign
to Protect Rural
England - a registered
charity (No.221244) that
helps the people of
Lancashire, Greater
Manchester and
Merseyside to protect
their local countryside
from threat and to keep it
beautiful, productive and
enjoyable for everyone.*



Campaign to Protect
Rural England

ADDENDUM

1. The scale and nature of the whole development means that it has implications for areas outside the Borough and should be covered by an assessment of regional implications.

Although some dwellings will be affordable many will be general market dwellings and will require land allocated for industrial use being released for housing. Because RPG13 and the JLSP set stringent limits on house building in many areas in the County and in particular require no new land be released for general housing in the Fylde up to the year 2016 this proposal would have serious repercussions on regional strategy.

Based on Government statistics for the population of housing developments (www.statistics.gov.uk) the housing proposed in this development would accommodate about 6000 - 7000 people. Thus there would be an influx of people that is significant on a regional basis.

Bearing in mind that the first Regional Spatial Strategy is imminent we consider that an assessment of regional impact based on the RSS should be required before a decision in favour of this development is made.

2. Much of the site is designated for industrial use in the Local Plan.

A significant part of the site for the full scheme is allocated for business use in the Adopted Local Plan. The proposals here are for much less land to be assigned for business and much more to be assigned for dwellings and this is in conflict with the Plan.

Furthermore, areas in the Borough such as Whitehills Business Park, which was previously greenfield land, were set aside for industrial development on the basis of a perceived need for more such sites. In the intervening period, in particular just recently, other land previously used for employment has been approved for housing developments. Bearing in mind our comments below on sustainability we maintain that much of the site here is still required for business use in the borough. It appears to us to be completely unsustainable to continually provide more dwellings for people and at the same time continually reduce the supply of local business sites where people may find employment.

3. The expensive nature of the construction of the buildings and surroundings precludes any possibility of including adequate and suitable affordable housing.

The plans to build much parking on two levels below ground, extensive canals and piazzas and significant lengths of improved sea defences will make this project expensive to construct. In addition the whole complex will also be expensive to maintain, in particular requiring pumping facilities to counter possible flooding and maintenance of the canals etc. This will result in all the properties being expensive either to buy or to rent and in either case there will be a very significant element of maintenance costs. This gives us grave concern regarding the provision of affordable housing and will, in our view, preclude the possibility of providing adequate numbers of such dwellings.

Many of the parents of families requiring affordable homes will be of working age and they will have children, thus they require 2, 3 & 4 bedroom dwellings, as identified in the Council's Housing Needs Survey. Thus the mix of dwellings proposed as affordable is not appropriate.

4. The proportion of affordable housing is too low and unacceptable.

The current level of affordable housing required in housing schemes in the Lytham St Annes is 60%. The levels in all phases of these proposals are all well below this level and therefore fail to meet the requirements of the recently reviewed Adopted Local Plan.

Furthermore, in view of the enormous resources obviously available to this developer we are particularly concerned about the possibility of money being commuted so that many of the affordable dwellings could be built elsewhere. Because of the scale of the development this, in our view, would inevitably involve a massive increase in building on greenfield sites, which we would consider

inappropriate and wholly unacceptable. Thus we believe the Council should hold true to its stated preference that all the affordable housing should be on site.

5. The proposed infrastructure is inadequate.

With 2734 dwellings, a population of 6000 - 7000 and many other general facilities, including extensive public areas this project is more than just a suburb of Lytham, but is, in reality, a new town next door to Lytham. As such the infrastructure proposed is wholly inadequate. The site for a primary school is proposed but bearing in mind the current shortfall in secondary school places in the Borough and the high numbers of affordable homes required by the Local Plan, many of which will house families, a secondary school would also be required. A separate healthcare centre has recently been proposed for the neighbourhood to replace others in the Borough when in reality an additional one is required to serve this project alone, particularly in view of the many affordable homes where children are to be anticipated and the many sheltered homes. Very little playing/recreational area is proposed on the site itself, far less than statute requires. There are no child minding facilities, no community hall, library, council one stop shop, police station, etc. In fact the range of commercial facilities are not set to meet the needs of a balanced community.

We also have grave misgivings about the parking provided. There would be roughly 4000 cars resulting from the residents. In addition large numbers of cars are to be expected as a result of visitors and customers from outside the area, and these visitors would be essential to keep the various commercial enterprises proposed viable. Indeed the whole spectrum of commercial enterprises proposed is clearly angled towards attracting visitors. The car parking provisions are not adequate for all this.

We consider it to be completely impractical to put this development, without so much in the way of infrastructure, beside the town of Lytham and hope the local services there can cope. In particular the massive influx of additional cars seeking parking places in Lytham gives us grave concern. Due to the lack of many facilities in the proposed development area and because people will also want to use facilities in Lytham as an alternative to those on the development site many will seek them in Lytham and will use their cars for this. Parking facilities there are already at full stretch and this development would put an additional heavy strain on them.

6. Sustainability - location of workplaces

Since the houses will be expensive many of the inhabitants will require good employment prospects and in most cases both partners in any dwelling will need to work. In addition it is indisputable that of the significant number of on-site jobs many will be low paid service industry jobs. Thus, even after allowing for some retired residents there will still be a large number of people who have to travel away from the site to their place of work. With few industrial sites remaining in the Borough for future growth and two of the major employers running down many people will have to travel far afield. In this respect this is not a sustainable development.

7. Sustainability- the public transport services are inadequate.

A competent consultant has been used for the transport assessment and the proposed encouragement for residents to walk or use a cycle are admirable but the proposals go nowhere near far enough to meet the Governments Sustainable Transport Guidelines and so make this development "traffic neutral". We consider that for some reasonable period of time the developer should offer a shuttle bus service between the site, Lytham Station and Lytham town centre, with appropriate street furniture to facilitate easy access. In addition the so called "green travel plans" should be a contractual obligation on tenants and purchasers of the properties.

8. Flooding.

The Environment Agency's flood plain maps show that significant areas of the site are susceptible to flooding. Although improvements to flood defences are included in the proposal it is nonetheless contrary to Government guidelines, set out in PPG25, to build developments of this nature on the

flood plain. None of the proposed buildings are required for vital local services, which might otherwise make their location acceptable, and none of them should be build on the parts of the site that predictably may flood. Similarly any underground parking should be set so it is above unacceptable flood risk levels.

Furthermore, the flood defence provision is also questioned. Predictions of high sea levels and their frequency must take account of high tides and storm surges. The maximum tide height in this area given by Reeds Nautical Almanac is currently 5.0 mAOD (metres above ordnance datum) and in the past storm surges over 3 m have been recorded in the estuary. In addition the latest prediction of sea level rise for the area, by the Proudman Oceanographic Laboratory, is 7 mm/year, which over the proposed lifetime of the development of 50 years is nearly 0.4 m. Thus, at tide heights significantly lower than the maximum possible, say 4.0 mAOD which can be expected on one tide in 10 during the winter months, (Lavers Tide Tables) sea levels of 7.4 mAOD must be anticipated, and based on the latest estimates of sea level returns (Proudman Oceanographic Laboratory) such sea levels can be expected roughly every 10 years. Thus the proposal with this development to improve the height of sea defences to 7.07 mAOD is inadequate, particularly bearing in mind we have made no allowance here for wave height.

7. Impact on the adjacent Biological Heritage Site.

We note that new lock gates are proposed at the mouth of the Liggard Brook. We do not understand precisely what is proposed but fully operation lock gates that maintained a high level of water in the creek, as suggested in the drawings, would not be suitable since they would impede drainage of the upper reaches of the brook. Alternatively a tidal flap may be intended, but should that alter the level of water in the lower reaches of the brook to any degree, that would still impact on the tidal flats in this reach. As indicated in the drawings, this stretch of the brook is designated as a Biological Heritage Site and it should not be disturbed.

8. Lack of recreational green space and impact on the adjacent Greenbelt and SSSI

As noted above there is a significant lack of open green spaces on the site of the development but a large recreational area is proposed to the east and remote from the site. We consider this remote area to be unsatisfactory for local recreation since it does not meet Government guidelines and in any case access would either be via a main road or a new access route which would impact on the Lytham Estuary SSSI. In any case the site is in an area designated as Greenbelt and the proposal to develop this as a recreational area is inappropriate. In addition, to create the one reasonably sized recreational site associated with a development designed to accommodate 6000 - 7000 people immediately adjacent to parts of the Ribble Estuary SSSI, with the certainty of much intrusion by children, walkers and their dogs would amount to unacceptable adverse impact.

D A Moore
23rd September 2005

D D

Defend the Dunes

FAO Mr D Wilkinson
Built Environment Manager.
The Built Environment Unit
The Town Hall
Lytham St. Annes
FY8 1LW

25th September 2005

Dear Mr Wilkinson.

**Ref:- Development Applications 05/0541 & 542.
Mixed development at Lytham Quays**

We wish to object to the planning applications 05/0541 and 05/0542 on the following grounds.

Although some dwellings in the proposals will be affordable many will be general market dwellings and will require land allocated for industrial use being released for housing. Because RPG13 and the JLSP set stringent limits on house building, including in the Fylde this proposal would have serious repercussions on regional strategy. In addition the development would engender an influx of people that is significant on a regional basis. For both these reasons an assessment of regional impact is required.

A significant part of the whole site is allocated for business use in the Adopted Local Plan. The proposals here are for much less land to be assigned for business and much more to be assigned for dwellings and this is in conflict with the Plan. It appears to us to be completely unsustainable to continually provide more dwellings for people in the Borough and at the same time continually reduce the supply of local business sites where people may find employment.

The plans to build much parking below ground, extensive canals and piazzas and significant lengths of improved sea defences will make this project expensive to construct and to maintain. This will result in all the properties being expensive either to buy or to rent and this will, in our view, make it impossible to provide adequate numbers of affordable dwellings.

The greatest need in the Borough identified in the Council's Housing Needs Survey is for 2, 3 & 4 bedroom dwellings thus the mix of dwellings proposed as affordable is not appropriate.

The current level of affordable housing required in larger housing schemes in Lytham St. Annes is 60%. The levels in these proposals are well below this and therefore fail to meet the requirements of the recently reviewed Local Plan.

With 2734 dwellings, a population of 6000 - 7000 (based on Government statistics guidelines) and many other general facilities, including extensive public areas this project is more than just a suburb of Lytham, but is, in reality, a new town next door to Lytham. As such the infrastructure proposed is wholly inadequate. The site for a primary school is proposed but bearing in mind the current shortfall in secondary school places in the Borough a secondary school would also be required. A separate healthcare centre is required to serve this project alone. Very little playing/recreational area is proposed on the site. There are no child minding facilities, no community hall, library, council one stop shop, police station, etc. In fact the range of commercial facilities are completely unsuited to meet the needs of a balanced community.

There would be roughly 4000 cars resulting from the residents and in addition large numbers of cars as a result of visitors from outside the area. Indeed the whole spectrum of commercial enterprises proposed is clearly angled towards attracting visitors. The car parking provisions are not adequate for all this.

There would be a massive impact on the town of Lytham. Due to the lack of many facilities in the proposed development area and because the residents there will also want to use facilities in Lytham as an alternative many will seek them in Lytham. In particular many will use their cars for this. But parking facilities in Lytham are already at full stretch and this development would put an impossible strain on them.

Since the houses will be expensive many of the inhabitants will require good employment. It is indisputable that of the significant number of on-site jobs many will be low paid service industry jobs. Thus, even after allowing for some local jobs and some retired residents there will still be a large number of people who have to travel away from the site to their place of work. With few sites remaining in the Borough for future industrial growth and two of the major employers running down many people will have to travel far afield. In this respect this is not a sustainable development.

The proposals regarding transport go nowhere near far enough to meet the Governments Sustainable Transport Guidelines. We consider that for some reasonable period of time the developer should offer a shuttle bus service between the site, Lytham Station and Lytham town centre, with appropriate street furniture to facilitate easy access. In addition the so called "green travel plans" should be a contractual obligation on tenants and purchasers of the properties.

The Environment Agency's flood plain map shows that significant areas of the site are susceptible to flooding. Although improvements to flood defences are included in the proposal it is nonetheless contrary to Government guidelines, set out in PPG25, to build developments of this nature on the flood plain. None of the proposed buildings are required for vital local services, which might otherwise make their location here acceptable, therefore none of them should be build on the parts of the site that predictably may flood. Similarly any underground parking should be set so it is above unacceptable flood risk levels.

We are gravely concerned about flood protection provision. The maximum tide height in this area given by Reeds Nautical Almanac is 5.0 mAOD (metres above ordnance datum) and in the past storm surges over 3 m have been recorded in the estuary. In addition the latest prediction of sea level rise for the area, by the Proudman Oceanographic Laboratory, is 7 mm/year, which over the proposed lifetime of the development of 50 years is nearly 0.4 m. Thus, at a modest tide height of 4.0 mAOD, which can be expected on one tide in 10 during the winter months, (Lavers Tide Tables) sea levels of 7.4 mAOD must be anticipated, and based on the latest estimates of sea level returns (Proudman Oceanographic Laboratory) such sea levels can be expected roughly every 10 years. Thus the proposal with this development to improve the height of sea defences to 7.07 mAOD is inadequate, particularly bearing in mind we have made no allowance here for wave height.

We note that some form of new lock gates are proposed at the mouth of the Liggard Brook. But, as indicated in the drawings, the lower reaches of the brook are designated as a Biological Heritage Site therefore the flow of water here should not be disturbed at all.

There is a significant lack of open green spaces on the site of the development but a large remote recreational area is proposed to the east of the site. This remote area is unsatisfactory for local recreation since it does not meet Government guidelines and access would either be via a main road or a new access route which would impact on the Lytham Estuary SSSI. In any case the site of this proposed green area is in the Greenbelt and this proposal to develop it is inappropriate.

Currently the site is designated primarily for industrial use, where impact on the neighbouring SSSI has in the past and would in the future be small. With this proposal, to house 6000 -7000 people on the site and to encourage visitors on a large scale, many would continually be walking along the estuary promenades or using the remote off site recreational area. Their children would use these areas for recreation. Their dogs would be exercised and very often released and allowed to roam over the surrounding areas. This would amount to an unacceptable amount of adverse impact on the neighbouring Ribble Estuary SSSI.

The whole concept of massed multi-storey housing on this site, particularly with the variegated exterior decorations and details would quite out of character with the remainder of Lytham St Annes. It would also result in enormous visual intrusion from all aspects but particularly from the surrounding undeveloped areas of the greenbelt and the esturine SSSI.

We trust you will take note of these objections and recommend refusal of these two applications.

Yours sincerely,



D A Moore
Chairman, Defend the Dunes.

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Partners of Defend the Dunes.

The Council for the Protection of Rural England, The Wildlife Trust for Lancashire, Merseyside & Greater Manchester, The National Trust North West, Plantlife, Friends of the Earth, The Open Spaces Society, The Wildfowl & Wetlands Trust Martin Mere, The Butterfly Conservation Society, The British Dragonfly Society, The British Pteridological Society, The Lytham St. Annes Civic Society, The Lancashire Moth Group, The West Lancashire Branch of the Botanical Society of the British Isles, The Fylde Bird Club, Fylde Naturalists, The Fylde Group of the Ramblers Association, The Fylde Group of Save Our Shoreline and The Fylde Real World Group.



for birds
for people
for ever

David Wilkinson,
Built Environment Manager
Fylde Borough Council
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Lytham St Annes
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25 October 2005

Dear Mr Wilkinson

APPLICATION 05/05/0541

OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 & 2 BEDROOM APARTMENTS. SITE AREA 28.902 HECTARES

05/05/0542

FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 & 2 BEDROOM APARTMENTS. SITE AREA 10.13 HECTARES - PHASE 1

LAND AT LYTHAM QUAYS, DOCK ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5A

Thank you for consulting the RSPB on these planning applications. We would wish to OBJECT to both applications in their current form, for reasons outlined in the following letter.

Although they have been submitted as two separate applications the two applications appear to be interdependent. In particular, the canal system proposed in application 0542 is wholly dependent on the impoundment of Liggard Brook, which is proposed in application 0541. We therefore recommend that Fylde Borough Council should not consider application 0542 in isolation, and that all phases of the development are considered together.

The impoundment of Liggard Brook would directly damage Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site. Coastal Saltmarsh and Mudflats are also listed as habitats of principal importance protected under section 74 of the Countryside and Rights of Way Act 2000. In PPS9 and the associated ODPM Circular 06/2005, Government has indicated that Local Authorities should take steps to further the conservation of habitats of principal importance. Key Principle 1(vi) in the ODPM Circular suggests that developments harming biodiversity should be prevented, mitigated against, or compensated for. If the harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be



refused. In the RSPB's opinion, the damage to 0.5ha of Saltmarsh and 0.8ha of Mudflats could be prevented as the impoundment of Liggard Brook is not essential to the development of this area. Furthermore, the Environmental Statement has not provided sufficient information that this preventable damage has been adequately mitigated against, or compensated for.

Coastal Saltmarsh and Mudflats are both Priority UKBAP habitats for which plans have been published. Section 4.1 of the Saltmarsh UK BAP states "There will be a presumption against any further net loss of saltmarsh to land claim or other anthropogenic factors". Section 4.1 of the Mudflat UK BAP states "Maintain at least the present extent and regional distribution of the UK's mudflats". At a UK scale, coastal saltmarsh and mudflats will be diminishing due to sea level rise against fixed sea defences causing coastal squeeze. Additional, unnecessary losses of intertidal habitat such as this will exacerbate the problem of coastal squeeze.

Both applications are in close proximity to the statutorily protected Ribble Estuary SSSI/SPA/Ramsar site. Table 6.17 of the Environmental Statement indicates that, without mitigation measures, the proposals would result in a major adverse impact on the integrity of the adjacent statutorily designated sites. Both applications, but especially 0541 could result in disturbance to the internationally important populations of birds that depend on the Ribble & Alt Estuaries SPA. Moreover, the proposed impoundment of Liggard Brook in application 0542 could have an adverse hydrodynamic effect on the SPA. In addition, birds that currently use the saltmarsh and mudflats of Liggard Brook are almost certainly part of the statutorily protected populations that inhabit the nearby SPA. Loss of this habitat could therefore adversely impact upon the SPA. It is RSPB's opinion that the Conservation (Natural Habitats &c) Regulations 1994 would apply given the difficulty of ascertaining that there will be no likely adverse impact on the integrity of the SPA. We would recommend seeking English nature's advice on this issue.

The Ribble Estuary European marine Site is also vulnerable to disturbance that can be caused by recreational activities. The part of the Ribble Estuary which lies close to the proposed development site is currently subject to low levels of disturbance. Any increase or change in recreational disturbance must be assessed and if significant, mitigated against. The Environmental Statement does not assess the scale or impact of additional recreational activities. Appropriate mitigation might be to leave an undeveloped buffer strip between the development and the estuary. This might also help to mitigate against the effects on some of the scarce plants that occur in this area too (eg Bee Orchid, Yellow-wort, Lesser Broomrape, Bloody Cranesbill), and breeding birds (eg Linnet, Song Thrush).

The impounding of Liggard Brook would result in an accumulation of sediments and eutrophication of the impounded water. Subsequent release of eutrophic sediments and water into the Ribble Estuary SPA could also have an adverse impact. The Ribble Estuary European Marine Site is vulnerable to contamination by non-toxic contaminants such as increased nutrients or organic loading.

Application 0542 will affect a former landfill site, which has the potential to release pollutants into the SPA, either directly or indirectly via ground water or Liggard Brook. An untraced leakage of Alkyl Lead into the Mersey Estuary during the 1980s caused numerous deaths of wildfowl and wading birds. Although the source was not found it was thought to have emanated from disturbed substrates. We would seek reassurances that there will be no release of harmful substances into the estuary as a result of application 0542.

According to the Environmental Statement, there has not been a breeding bird survey to a recognised methodology. It is therefore not possible to assess the likely impacts on breeding birds. Linnets and Song Thrushes are priority BAP species and are likely to be breeding on site. We would therefore recommend a breeding bird survey should be undertaken. If planning permission is granted for either application we would recommend a condition which prevents work being undertaken during the bird nesting season (March to July inclusive).

We hope you find these comments helpful. Please do not hesitate to contact me if you wish to discuss further any of the above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Melling'. The signature is written in a cursive style with a large initial 'T'.

Tim Melling
Conservation Officer

Safeguarding

Defence Estates, Kingston Road, Sutton Coldfield, West Midlands B75 7RL

Telephone: Direct Dialling: 0121 311 2274
DCSA DFTS: (9) 4421 2274
Facsimile: 0121 311 2218
E-mail: marie.neenan@de.mod.uk
Internet Site: www.defence-estates.mod.uk



DEFENCE ESTATES

Delivering Estate Solutions to Defence Needs

Ms R Delooze
Fylde Borough Council
Town Hall
Lytham St Annes
Lancashire

Your reference: 05/0541 & 542

Our reference: D/DE/43/2/88 (05/1086)

Date: 21/10/05

FY8 1LW

Dear Ms Delooze

MOD SAFEGUARDING – WARTON AIRFIELD

Proposal: Outline application for mixed development including cinema complex, leisure & retail outlets, industrial units, education facilities & 2,734 mixed 1 & 2 bedroom apartments. Full planning application for mixed development including cinema complex, leisure & retail outlets, canals, ice rink & 975 mixed 1 & 2 bedroom apartments

Location: Land at Lytham Quays, Dock Road, Lytham, Lytham St Annes, FY8 5A

Grid Ref: 338004, 427448

Planning Ref. 05/0541 & 542

Thank you for consulting us on the above proposed development which was received by this office on 17/08/05. We can confirm that the Ministry of Defence (MOD) has no safeguarding objections to this proposal in principal, subject to receiving full planning details. Unfortunately there was not enough information regarding heights, locations and construction materials of the proposed development. The MOD would therefore like confirmation that this development will not infringe on aerodrome safeguarding.

All the associated papers are returned.

Yours sincerely

Marie Neenan
DE Central-Estates 3C2C
Defence Estates Safeguarding

Safeguarding Solutions to Defence Needs



CNS SYSTEMS – Navigation, Spectrum & Surveillance
National Air Traffic Services (En Route) Plc
Spectrum House, Gatwick, West Sussex, RH6 0LG
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2005 AUG 22 11:02

Your ref: 05/541 & 542
Our ref: N/SFG/STA/072

22 August 2005

Flyde Borough Council
Town Hall
Lytham
St. Annes
Lancashire
FY8 1LW

Dear Sir/ Madam

Proposal: Outline planning application for mixed development including, Cinema complex, leisure and retail outlets, industrial units, education facilities and bedroom apartments
Location: Land at Lytham Quays, Dock Road, Lytham, Lytham St. Annes, FY8 5A

In reply to your letter dated 15th August 2005.

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Louise Smith', written over a white background.

Louise Smith
Technical Administrator
Navigation, Spectrum & Surveillance





(01772) 533856

(01772) 532825

kate.grimshaw@property.lancscc.gov.uk

Mr David Wilkinson
Built Environment Manager
Fylde Borough Council
Town Hall
LYTHAM ST ANNES FY8 1LW

Your ref 05/05/0541
Our Ref 05/05/0541 PO1/KG
Date: 13 October 2005

Dear Sir

PROPOSAL: OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA: 28.9 HECTARES

LOCATION: LYTHAM QUAYS, DOCK ROAD, LYTHAM

APPLICATION NO. 05/05/0541

As you will no doubt be aware a Working Group of the Lancashire Planning Officers Society has produced a consultation draft policy paper on 'Planning Obligations in Lancashire'. All the districts were consulted and invited to workshops as part of the first period of consultation. It is anticipated that further consultation should take place early in the New Year. As a result of this consultation process the methodologies will be refined further or in some cases there is a possibility that they will be removed.

Based on the consultation document the following figures should provide a starting point for negotiation with the developer.

Transport

Notwithstanding the fact that you are dealing with the Traffic and Safety team directly that access to and from the site by all means such as public transport, walking and cycling are covered. As detailed in the transport methodology the required measures will include:

- Pedestrian schemes
- Cycle routes
- Real time information projects
- Public transport service improvements or new services

Kate Grimshaw
Planning and Review Officer

Property Group • PO Box 26 • County Hall, Preston PR1 8RE



2003-2004

Education

As with transport I am aware that you are dealing with Michael Costigan directly on this matter.

Libraries

The sheltered housing element has been considered separately as required by the methodology and an assumption has been made that the split between the other dwellings in terms of one bedroom and two bedroom 7% and 93% respectively (this is reflective of the overall percentage split).

171 (one bed) x's £173 =	£ 29,583
2268 (two bed) x's £273 =	£619,164
295 (sheltered) x's £144 =	£ 42,480

TOTAL	£691,227

Youth and Community

The sheltered and extra care dwelling have been excluded and an assumption has been made that of the remaining dwellings, 93% will be two bed.

1984 (two bed) x's £550 =	£586,850
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Social Services

The sheltered housing element is considered separately as required by the methodology and an assumption made that of the remaining dwellings 93% will be two bed.

2268 (two bed) x's £148.22 =	£336,162
295 (sheltered) x's £212.31 =	£ 62,631

TOTAL	£398,793

Health

As required by the methodology the sheltered housing element is considered separately to the market housing and an assumption has been made that of the remaining dwellings 7% will be one bed and 93% two bed.

171 (one bed) x's £293 =	£ 50,103
2268 (two bed) x's £462 =	£1,047,816
295 (sheltered) x's £244 =	£ 71,980

TOTAL	£1,169,899

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Waste Management

2734 (all dwellings) x's £480 = £1,312,320

In addition to this requirement, developments of over 150 dwellings will be expected to contribute to any additional investment required to provide facilities in locations where there are no health services within 3km. This appears to have been addressed as part of the proposal.

Affordable and Special Needs Housing

This methodology makes provision for a financial contribution where the provision of affordable housing within a development does not meet the requirements of the Local Planning Authority. As the Inspectors report eradicates this option in Fylde the development must make provision for 60% affordable housing on or off site and it should reflect the requirements identified in the Fylde Housing Needs Survey.

Public Open Space

Dependent of whether the development falls within an area of low, medium or high recreational need the contribution per dwelling would be £1,000, £2,000 or £3,000 respectively.

As elements of open space are proposed within the development, consideration must be given to whether the types proposed meet identified requirements and whether an additional contribution should be sought from the developer.

Sport

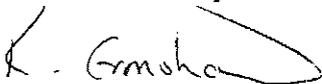
This methodology requires a Sports Strategy Action Plan to have been produced and as such will need to be considered by yourselves.

Other methodologies

The remaining methodologies (economic development, natural and man-made heritage, urban design, flood defences, fire, crime and disorder and cemeteries) should all be considered by yourselves as the District Council.

These figures, taken from the consultation document, should hopefully provide you the basis for negotiations with the developer. If you require any further assistance please do not hesitate to contact me on 01772 533856.

Yours faithfully



Kate Grimshaw
Planning and Review Officer

tel (01772) 534171
fax (01772) 533423
e-mail john.jones@env.lancscc.gov.uk

Mr David Wilkinson
Built Environment Manager
Fylde Borough Council
Town Hall
LYTHAM ST ANNES FY8 1LW

Your ref 05/541 & 542
Our Ref 5/N.6/22 CM/JJ/JC
Date: 21 October 2005

Dear Mr Wilkinson

**APPLICATION 05/05/0541
OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT
INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS,
INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED
1 & 2 BEDROOM APARTMENTS. SITE AREA 28.902 HECTARES**

**05/05/0542
FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING:
CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK
AND 975 MIXED 1 & 2 BEDROOM APARTMENTS. SITE AREA
10.13 HECTARES – PHASE 1**

**LAND AT LYTHAM QUAYS, DOCK ROAD, LYTHAM, LYTHAM ST ANNES,
FY8 5A**

Thank you for your consultation in respect of the above. In determining these applications, the requirements of The North West Regional Planning Guidance/Regional Spatial Strategy Policy ER5 and Policy 21 of the Joint Lancashire Structure Plan need to be considered in conjunction with relevant legislation (summary attached). Fylde Borough Local Plan Policies EP15, EP16, EP17, EP18, EP19 and EP20 should also inform determination of these applications. Section 5 of the Planning Statement submitted with the application refers to PPG9. This has been replaced by PPS9, which should inform the determination of the application.

Although the above scheme has been submitted as two separate applications, the Environmental Statement deals with the proposals as a single development. Section 3.91 states that it is proposed to use freshwater from the impounded Liggard Brook as a source of water for the canal system. The canal system included in application 05/05/0542 therefore appears to depend on the impoundment of Liggard Brook proposed under application 05/05/0541. I therefore

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recommend that Fylde Borough Council does not consider application 05/05/0542 in isolation and that the all phases of the development are considered together as a whole.

Application 05/05/0541 would impinge on Lytham Foreshore Dunes & Saltmarsh Biological Heritage Site and would affect Habitats of Principal Importance (CroW Act, 2000)/Priority habitats of the UK and Lancashire Biodiversity Action Plans as well as species of nature conservation significance. In PPS9, the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function (see PPS9 and supporting Government circular). The application may also affect the adjacent statutory designated sites. This application does not adequately demonstrate that impacts on the BHS, statutory sites and the above habitats and species are unavoidable. The application and environmental statement do not include sufficient information to adequately assess the full ecological impacts of the proposals or to demonstrate that there will be sufficient mitigation/compensation measures to ensure that there will be no net loss of biological heritage value. In the absence of this information I recommend that Fylde Borough Council should consider refusal of this application.

Application area 05/05/0542 is immediately adjacent to the BHS. This application may affect the neighbouring statutory designated sites. Various species of nature conservation significance are also present in the application area. The application and environmental statement do not include sufficient information to adequately assess the full ecological impacts of the proposals or to demonstrate that there will be sufficient mitigation/compensation measures to ensure that there will be no net loss of biological heritage value. In the absence of this information, I recommend that Fylde Borough Council should consider refusal of this application.

The ecological interest of parts of the site, including land adjacent to the above BHS has been made known to Fylde Borough Council in response to previous applications affecting this area, e.g. comments made by Peter Jepson (Lancashire County Council Specialist Advisor on ecology) in April 2004 in response to application 05/04/0314.

Designated sites

Statutory Designated Sites

Table 6.1.7 of the ES indicates that without mitigation measures, the proposals would result in a major adverse impact on the adjacent statutory designated sites. Both of the above applications, particularly 05/05/0541, could potentially result in disturbance of bird populations associated with the Ribble and Alt Estuaries SPA. Works affecting the existing landfill site may also have the potential to release pollution into the SPA. The proposed impoundment of Liggard Brook under application 05/05/0541 may affect the dynamics of the Ribble and Alt Estuaries SPA/Ribble Estuary SSSI and would result in a loss of habitat continuity, which may affect the bird populations associated with the SPA. Accumulation of sediment in Liggard Brook and eutrophication of the water in the brook are likely to

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result from the proposed impoundment. Subsequent release of sediment and eutrophic water into the SPA may be damaging. The proposed open space under application 05/05/0541 is adjacent to The Ribble Marshes NNR and Lytham Coastal Changes SSSI.

Before determining the application, Fylde Borough Council needs to seek advice from English Nature regarding potential impacts on the above statutory designated sites. The Habitats Regulations restrict the granting of planning permission for development which is likely to significantly affect a European Site and which is not directly connected with or necessary to the management of the site, by requiring that an appropriate assessment is first carried out of the implications of the development for the site's conservation objectives. The approach to be taken in considering a development proposal that might affect a European site is set out in the Government Circular supporting PPS9.

Lytham Foreshore Dunes & Saltmarsh BHS

The application area for 05/05/0541 impinges on Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS 32NW01). Reasons for this designation include the presence of coastal habitats, including saltmarsh and mudflats. The proposals include the impoundment of Liggard Brook, which forms part of this BHS. The impoundment of the brook would result in the loss of areas of saltmarsh and mudflats. These are habitats of principal importance (See Government Circular supporting PPS9) and priority habitats of the UK biodiversity Action Plan. The objectives/targets of the UK BAP state include "no further net loss of coastal saltmarsh" and "maintain at least the present extent and regional distribution of the UK's mudflats". A regional Habitat Action Plan for coastal saltmarsh is also in preparation. Section 6.221 of the ES states that "The development site will result in the cumulative loss of UK BAP priority habitats which include; mudflat and saltmarsh within Liggard Brook contributing to the incremental loss and in doing so contradicting the objectives and targets of the respective Habitat Action Plans". The proposals are therefore contrary to the above policies.

Impoundment of the brook and the proposed quay on the south bank would also be contrary to Lancashire BAP targets for Rivers and Streams, e.g. to prevent the loss of riparian habitat through inappropriate development. The proposed crossing of Liggard brook is also within the BHS. The design of the crossing may result in fragmentation of the riparian habitats, which would be contrary to the above policies.

Application 05/05/0541 and the environmental assessment have not demonstrated that the impact on the BHS and loss of habitats of principal importance/BAP habitats is unavoidable. Where unavoidable impacts may result from development, mitigation/compensation measures are required to ensure that there is as a minimum no net loss of heritage value (Joint Lancashire Structure Plan Policy 21). To ensure that there will be no net loss of biodiversity, mitigation/compensation proposals need to be informed by a comprehensive ecological survey of the areas affected. This should include a full habitat survey including mapped plant communities, a full botanical species list showing relative

x

abundance and a comprehensive assessment of the faunal interest. Detailed mitigation/compensation proposals for unavoidable impacts of the development, informed by a comprehensive ecological survey of the areas affected, do not appear to have been provided.

Section 6.186 of the ES states that "The impoundment of Liggard Brook will result in significant, permanent changes to the ecology of this section of the watercourse. The permanent loss of saltmarsh and mudflat within the Brook and hence potential impacts to wetland birds cannot be mitigated. The only mitigation that can be considered is the creation of compensatory habitat at a location within the vicinity of the development. If appropriate, this is to be considered on or adjacent to the area designated as public open space".

Section 3.80 of the ES states that reeds are to be planted on a re-profiled berm on the northern side of Liggard Brook. Although reedbed is a UK BAP priority habitat, the UK BAP target for the creation of new reedbed states that this should be on land of low nature conservation interest. Other detailed proposals for re establishment of compensatory habitats do not appear to be included within the application or ES. This would need to include types of habitat to be re-created, amount of habitat, location, target plant communities, establishment methods and proposals for aftercare, monitoring and long term management to guarantee successful and compensation for habitats lost and to demonstrate as a minimum, no net loss of biological heritage value.

In the absence of information that adequately demonstrates that the impacts on the BHS are unavoidable and that there will be adequate mitigation/compensation to ensure no net loss of biological heritage value, the application does not comply with the above policies. Fylde Borough Council should therefore consider refusal of application 05/05/0541. As stated above, elements of application 05/05/0542 appear to depend on approval of application 05/05/0541.

Sections of the application areas for both 05/05/0541 and 05/05/0542 are immediately adjacent to the BHS. Impacts on the BHS may result from development works e.g. as a result of vehicle movements or storage of materials. Long term impacts may also result from increased recreational use of the BHS. If Fylde Borough Council is minded to approve any amended proposals, then the protection of the BHS from such impacts should be the subject of appropriate planning conditions. I recommend that this should include amendment of the design of the development to include a landscaped buffer strip between the BHS and the development area.

Bats (European Protected Species)

Section 6.12 of the ES states that "There is a lack of trees of appropriate age and structure, and buildings to provide roosts for bats". Although the majority of trees and buildings on the site have little or no potential to support roosting bats, during my visit to the site I observed some features with the potential to support roosting bats. This includes a dwelling house to the north of Liggard Brook, near the pumping station, which doesn't seem to appear on the masterplan of the

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proposals. It also includes a tree on the north side of Liggard Brook, which may be affected by the proposals.

The Conservation (Natural Habitats, &c.) Regulations 1994 state that Local Authorities in the exercise of their functions are obliged to have regard to the requirements of the Habitats Directive. In this respect English Nature guidelines and the Government circular supporting PPS9 state that proposals affecting European protected species need to pass three tests before they are approved by the planning authority. These are that:

- the development is of overriding public interest;
- there is no satisfactory alternative;
- populations of the species concerned will be maintained at a favourable conservation status.

There can therefore be no favourable determination of the relevant application until the presence/absence of bat roosts has been confirmed. It needs to be ensured that any trees, buildings or other structures with the potential to support roosting bats are surveyed for the presence of bat roosts before the application is determined. If bat roosts are present then the applicant will need to provide a method statement before the application is determined, detailing how the population of bats can be maintained in a favourable conservation status during and after the development. If the above tests can be met and Fylde Borough Council is minded to approve any amended application, this method statement should form the basis of a planning condition. Fylde Borough Council should consult English Nature before determining the application and the developer may require a DEFRA licence before the development can proceed.

Breeding Birds

It is stated in the environmental statement that no breeding bird survey following a recognised methodology (e.g. BTO breeding bird survey) has been undertaken (Section 6.20). It is therefore not possible to adequately assess the likely impacts of either application on breeding bird populations. It is stated in the Environmental statement that casual observations have revealed that linnet use the site. The linnet is a priority species of the UK Biodiversity Action Plan and a species of principal importance. I recommend that an adequate breeding bird survey be undertaken before either application is determined, so that likely impacts on linnet and other bird species of nature conservation significance can be adequately assessed.

Many of the habitats on site have the potential to support breeding birds. If either application is approved then works during the bird breeding season (March to July inclusive) should therefore be avoided where there may be an impact on nesting birds. This should be the subject of a planning condition if Fylde borough Council is minded to approve any amended proposals. Potential disturbance of birds associated with the adjacent SPA is also likely to influence timing of works. English Nature should be consulted on this matter.

Botanical interest

Section 6.14 of the ES states that survey methodologies have been undertaken in accordance with Institute of Environmental Assessment Guidelines for baseline ecological assessment (Spon, 1995). These guidelines state that Phase 2 surveys for vascular plants should be undertaken when the desk study or extended Phase 1 survey identifies vegetation types of potential regional or local importance. The ES describes various parts of the site as species rich. Table 6.1.6 of the ES indicates that habitats to the north and south of Liggard Brook are of local importance and that Liggard Brook is of County importance. A number of species listed in the Provisional Lancashire Red Data List of Vascular Plants have also been found (see below) and the need for further survey is stated in some target notes. Despite this, a Phase 2 habitat survey is not included in the list of surveys undertaken (Section 6.13). It is stated in the environmental assessment that a full species list for the site has not been produced (Section 6.17) and that "The botanical species list given in the target notes is by no means exhaustive" (Section 6.99). The surveys undertaken do not therefore follow the above guidelines and are not sufficiently detailed to assess the impacts of either of the developments.

Without a Phase 2 survey it is not possible to assess the likely impacts of the proposals on botanical species and plant communities of nature conservation significance. The ES lists a number of species from the site which are listed in the Provisional Lancashire Red Data List of Vascular Plants. These include Reflexed Saltmarsh-grass (*Puccinellia distans*), which is categorised as 'Endangered'; Bloody Crane's-bill (*Geranium sanguineum*) and Yellow-wort (*Blackstonia perfoliata*) which are categorised as 'Vulnerable' and Bee Orchid (*Ophrys apifera*), which is categorised as "Sensitive".

During a visit to the site on 29 September 2005 I observed species rich areas within the site, including areas within application area 05/05/0542 which are incorrectly mapped as improved grassland on the habitat map. Common Broomrape (*Orobanche minor*) was visible in parts of the site during my visit. This species is categorised as Vulnerable in the Provisional Lancashire Red Data List of Vascular Plants. This species does not appear to be listed in the ES. Other plant species of nature conservation significance may be present within either of the application areas.

Owing to the presence of such plants, additional parts of the site, may qualify as Biological Heritage Site. Section 6.191 of the ES states that the species included in the Provisional Lancashire Red Data List of Vascular Plants "do not form populations which warrant the site to be designated as a BHS". However, this statement is not based on a sufficiently detailed survey and therefore cannot be verified. The populations of notable plant species cannot be adequately assessed without a Phase 2 survey. In order to adequately assess likely impacts of both applications, a habitat survey at phase 2 level should be undertaken. This should include mapped plant communities and a full botanical species lists showing relative abundance. I recommend that this be undertaken before either application

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is determined in order to inform the overall design of the development and the need for mitigation/compensation measures. Without appropriate mitigation/compensation measures this development would contribute to the decline of plant species of nature conservation significance.

It is also stated that the loss of species included in the Provisional Lancashire Red Data List of Vascular Plants could be mitigated by translocation of whole plants either into landscaping features within the development or to appropriate areas off site. Such mitigation proposals would need to be informed by a Phase 2 habitat survey as described above. Such a survey may highlight the need to re-design the development in order that significant habitats can be retained within the development.

Water Voles

Previous comments made by the Environment Agency highlight the potential for impacts on water voles populations upstream of the proposed impoundment of Liggard Brook. This concern does not appear to have been addressed in the ES. The potential for impacts on water voles needs to be adequately assessed before the application is determined.

Invertebrates

It has been acknowledged in the ES that parts of the site are likely to be of value to invertebrate populations. The ES states that the Striped Snail (*Cerithium virgatum*) was frequently encountered on the grassland on the former landfill site. The grassland may therefore qualify as a Biological Heritage Site under guideline Mo4. No proposals to avoid impacts on this species, or to mitigate/compensate for unavoidable impacts appear to have been included in the ES.

Section 6.193 states that "The loss of diverse grassland will result in the loss of habitat for invertebrate species. The value of this grassland arises not only from its diversity but proximity to coastal environments. The loss of resources (nectar and pollen sources) cannot be mitigated". The ES does not appear to include reasons as to why the loss of such habitats cannot be avoided e.g. by re-design of the proposed development. The proposals do not appear to include the re establishment of species rich grassland to compensate for unavoidable losses. The proposals do not therefore meet the requirements of the above policies.

Japanese knotweed (*Fallopia japonica*)

Japanese Knotweed (*Fallopia japonica*) is present within the application area for both applications. The spread of this species as a result of the proposed works needs to be avoided. This should be the subject of a planning condition if Fylde Borough Council is minded to approve any amended proposals. I recommend that Environment Agency guidelines be followed.

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Landscaping/restoration

As stated above, I recommend that Fylde Borough Council considers refusal of the above applications as the information included in the ES is not sufficient to demonstrate that there will be no net loss of biological heritage value. If Fylde Borough Council is minded to approve any amended proposals, then I recommend that the applicant should be required to submit detailed landscaping/restoration proposals for approval by Fylde Borough Council in consultation with Lancashire County Council ecologists. Restoration proposals should be informed by the ecological surveys undertaken and the additional surveys recommended above. The restoration proposals and the overall design of the development should aim to maintain and enhance habitat connectivity within the application area and the wider landscape. The proposals should include measures to avoid impacts on Biological Heritage Sites including a landscape buffer strip between the BHS and the development area. The restoration scheme should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. There are currently a number of non-native species included in the landscaping proposals. Landscaping proposals should comprise only native plant communities appropriate to the natural area. This is particularly important owing to the close proximity to various statutory and non-statutory designated sites.

Further consultation

In addition to consultation with English Nature recommended above, I recommend that the advice of the Environment Agency be followed on a number of issues relating to this development, especially, impoundment of Liggard brook, bridging of the brook, the excavation of canals within or adjacent to a former landfill site, all issues relating to potential contamination and impacts on water quality, flood risk and possible changes in coastal processes.

I hope these comments are helpful. A copy of the decision notice on the above application would be appreciated.

Yours sincerely



John Jones
Ecologist

PLANNING POLICY AND LEGISLATION RELEVANT TO APPLICATIONS
05/05/0541 & 05/05/0542

Planning Policy

The North West Regional Planning Guidance/Regional Spatial Strategy Policy ER5 (Biodiversity and Nature Conservation) requires that planning authorities:

- Afford the strongest protection to protected species and sites with international/national designations.
- Ensure that the nature conservation resource in the North West is protected and enriched by protecting important/irreplaceable resources, ensuring there is no net loss of resources, promoting the restoration/re-establishment of habitats/populations in accordance with Biodiversity Action Plan targets, addressing the reversal of habitat fragmentation/isolation.

Policy 21 of the Joint Lancashire Structure Plan requires that:

- Lancashire's natural heritage be protected according to a hierarchy of international, national, regional, county and local importance.
- Features of heritage importance are conserved, enhanced and re-established, taking account of:
 - Rarity, vulnerability, antiquity or complexity.
 - Contribution to the network of features, their location/setting and biodiversity.
 - Positive opportunities afforded by development.

Where unavoidable impacts may result from development, mitigation/compensation will be required to ensure that there is as a minimum no net loss of heritage value. This may include creation of new resources on or off site.

Legislation

Bats

Under the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats, &c.) Regulations 1994 it is an offence to:

- Kill, injure or take a bat.
- Possess/control a live or dead bat, any part of a bat, or anything derived from a bat.
- Damage/destroy/obstruct access to a place that a bat uses for shelter/protection.
- Disturb a bat.
- Damage/destroy a breeding site or resting place of a bat.

Nesting Birds

Nesting birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). It is also an offence to disturb any wild bird included in

10.
Schedule 1 of this Act while it is building a nest or is in, on or near a nest containing eggs or young; or to disturb the dependent young of such a bird.

Water voles

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to:

- Damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection.
- Disturb water voles while they are using such a place.

Japanese knotweed (*Fallopia japonica*) Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Japanese knotweed (*Fallopia japonica*) to grow in the wild.

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michael.costigan@ed.lancscc.gov.uk

Mr D Masey
MCP Planning
Abbey House
32 Booth Street
Manchester
M2 4QP

Your ref
Our ref BS/BD/MJC
Date 10 August 2005

Cc Ian Glaister, Ian Blinkho

Dear Mr Masey,

Lytham Quays

On the basis of the information supplied in your fax of 14 July 2005, subject to the correction agreed by telephone today, I have assessed the education impact as shown on the attached tables.

You will see that the assessed impact on primary schools indicates the need for a new primary school of 210 places. Using the DfES cost per place multiplier for 2005/06 of £8,515 per place produces a sum of £1,788,150 for building the new school. Clearly, this is in addition to the anticipated gift of a site as previously discussed with Kensington Homes.

With regard to secondary schools, the impact is assessed to be 123 places@ £13,372 giving a total cost of £1,644,756.

As previously notified to Kensington, following an agreement on the terms, the Authority will be ready to seek Cabinet approval in principle, prior to the drawing up of a detailed agreement. I await further contact in due course.

Yours Sincerely

Michael Costigan

Michael Costigan
Planning and Reorganisation Officer
Buildings & Development Services
Education and Cultural Services, P.O.Box 61, County Hall, Preston, Lancashire PR1 8RJ

PRIMARY						
Year	Places	No on Roll	No of dwellings (LQ)	No of extra pupils (LQ) (cumulative)	Revised NOR	Unfilled Places
2005	2625	2494	0	0	2494	131
2006	2625	2477	133	47	2524	101
2007	2625	2472	133	93	2565	60
2008	2625	2514	133	140	2654	-29
2009	2625	2491	132	186	2677	-52
2010	2625	2528	132	232	2760	-135
2011	2625	2528	122	275	2803	-178
2012	2625	2528	121	317	2845	-220
2013	2625	2528	122	314	2842	-217
2014	2625	2528	121	310	2838	-213
2015	2625	2528	122	306	2834	-209
2016	2625	2528	121	302	2830	-205
2017	2625	2528	92	288	2816	-191
2018	2625	2528	92	277	2805	-180
2019	2625	2528	93	268	2796	-171
2020	2625	2528	93	259	2787	-162
2021	2625	2528	92	249	2777	-152
2022	2625	2528	92	239	2767	-142
Total			1946			

SECONDARY									
Year	Places	No on Roll	No of dwellings (LQ)	No of extra pupils (LQ)	No of pupils (LQ) cumulative	Revised NOR	Places Shortfall		
2005	2145	2167	0	0	0	2167	22		
2006	2171	2190	133	33	33	2223	52		
2007	2171	2207	133	33	66	2273	102		
2008	2171	2159	133	33	99	2258	87		
2009	2171	2158	132	33	132	2290	119		
2010	2171	2138	132	33	156	2294	123		
2011	2171	2106	122	31	154	2260	89		
2012	2171	2046	121	30	151	2197	26		
2013	2171	2046	122	31	149	2195	24		
2014	2171	2046	121	30	146	2192	21		
2015	2171	2046	122	31	144	2190	19		
2016	2171	2046	121	30	143	2189	18		
2017	2171	2046	92	23	136	2182	11		
2018	2171	2046	92	23	129	2175	4		
2019	2171	2046	93	23	122	2168	-3		
2020	2171	2046	93	23	114	2160	-11		
2021	2171	2046	92	23	107	2153	-18		
2022	2171	2046	92	23	107	2153	-18		
Total					1946				

f.



David Wilkinson
Built Environment Manager
Fylde Borough Council
Town Hall
Lytham St Annes
Lancashire
FY8 1LW

Our Reference: PA16

Your Reference: 05/541 & 542

23 September 2005

Dear Mr Wilkinson

Outline and Full Applications for Mixed Development at Land at Lytham Quays, Dock Road, Lytham St Annes, FY8 5A (05/0541 & 05/0542)

Thank you for the opportunity to comment on the above applications. The following comments represent officer level views from the Assembly.

The proposal represents a substantial development for the area and there are a number of policies within the Regional Spatial Strategy (March 2003) that need to be considered when assessing the application.

You will be aware that Regional Planning Guidance 13 (RPG13), adopted in March 2003, is the initial Regional Spatial Strategy (RSS) for the North West.¹ The Assembly has embarked upon a full review of RSS, which is expected to be adopted in 2007. For the sake of clarity in this letter, I have referred to the adopted regional strategy (March 2003) as RPG13, and the current full review of regional strategy as RSS.

Housing Supply

The key concern the Assembly has with the proposed development is the impact upon the current situation of over-provision for housing that is evident in the Fylde Borough Council area when compared with the figures in RPG13 and the Joint Lancashire Structure Plan. The proposed level of residential development in the two applications will add significantly to the supply of housing within the Borough greatly increasing the challenge to manage the longer-term release of housing within the Borough at the appropriate annual rate of 155 dwellings. The proposal therefore conflicts with Policy UR7 of the RPG13.

¹ See SI 2004 no. 2206 - The Town and Country Planning (Initial Regional Spatial Strategy)(England) Regulations 2004.

It is acknowledged that there are circumstances where residential development may be permitted, even in a situation where significant over-supply either exists or would result from allowing the proposed development. The provision of affordable housing or schemes that provide for a mixed-use regeneration project may prove material in outweighing the matter of over-supply.

In the above applications, I note that the proportion of affordable housing proposed amounts to about 22 per cent. I also note the recommendation in the draft Inspector's Report following the Public Local Inquiry into the Alterations Review of the Fylde Borough Local Plan that at least 60 per cent affordable housing should be provided on sites in Lytham St Annes. The applications would therefore appear to fail to meet the Inspector's recommendation.

Lytham St Annes has been identified in the Joint Lancashire Structure Plan (March 2005) as part of the Lancashire Coast Regeneration Priority Area (RPA). Policy SD3 of RPG13 sets out the broad locations for the Region's RPAs. The regeneration concept underlying the proposal is therefore broadly consistent with Policy SD3. However, the Assembly would reiterate that the proposals represent a very large scheme, which will account for a significant proportion of future development in Fylde and the wider Fylde Peninsula over the period 2003 to 2021 and regard should be had to the wider development needs in Fylde over the 18 year period. Moreover, Policy SD3 highlights that, '*...Provision should be made for development requirements in these three areas² in line with the approach set out in Policy DP1...*' Policy DP1 highlights the need to apply a sequential approach to development proposals and also states:

"New development and other investment in infrastructure and services should be located so as to make the most effective use of land, promote appropriate mixes of uses within a site and its wider neighbourhood, make efficient use of transport facilities and assist people to meet their needs locally." (Policy DP1)

You will be aware that a full review of RSS is currently underway. The review is taking on board a number of emerging policy influences, which may well impact upon the level of housing provision in the Region. It would therefore follow that individual local authorities may face a change in the level of housing that is expected to be delivered over the plan period of RSS (2003 to 2021). However, until such time as any new figures are finally agreed as adopted policy for RSS, the Assembly's position will be based on the current housing figures contained in Policy UR7 of the RPG13 (March 2003), and the subsequent interpretation of county-level supply for district authorities contained, in the case of Lancashire, within the adopted Joint Lancashire Structure Plan (March 2005).

Location of the Scheme

The location of the scheme requires that the following policies also need to be considered in assessing the proposals.

The coastal location of the site needs careful assessment against Policies SD7, CZ2A, CZ2B and ER8 of RSS. Policy SD7 identifies the need to, '*...respect the changing physical nature of the coastline*' and to '*...recognise the risk overtime of fluvial and coastal flooding and erosion.*' Moreover, local planning authorities should:

² Including Lancashire's coastal towns

'...ensure that development proposals enhance the economic importance as well as the natural, historic and heritage value of the Region's coast' (Policy CZ2A);

'...ensure that development proposals are compatible with the sustainable planning and management of coastal defences.' (Policy CZ2B);

'...apply the precautionary principle, using the sequential approach, to developments in areas at risk of flooding³...'; (Policy ER8)

'...avoid development which could lead to flood risk elsewhere either by reducing the ability of flood plains to store floodwaters or by creating unacceptable increases in surface water run-off...'; (Policy ER8)

The proposal is considered to be on the urban fringe of Lytham St Annes and consequently the scheme should be assessed against Policy UR11 of RPG13, which states:

'...development plans and briefs should ensure that new developments on the edge of urban areas contribute significantly towards enhancing the character, appearance and environmental capital of the urban fringe, improving the setting of towns and consolidating greenspace networks. They should also ensure that new developments do not undermine housing markets within urban areas which are suffering from low demand.'

The proposal is broadly in line with Policy UR4 of RPG13 in that it seeks to utilise previously developed land, although the policy specifically identifies the need to utilise previously developed land **within** urban areas.

The impact of the proposals on the nature conservation value of the River Ribble and Estuary should also be considered within the regional context. Policies ER1 and ER5 in RSS are relevant and highlight the need to ensure proposals:

'...promote positive management of the Region's natural, built and historic environment and protect it from development likely to cause harm (such as further loss or fragmentation of tranquil areas, including by light or noise pollution) as identified in the Regional Landscape Strategy...' (Policy ER1);

'...ensure that the overall nature conservation resource in the North West is protected through conservation, restoration and re-establishment of key resources...' (Policy ER5);

'...applying the principle of enhancing the quality of life set out in Policy DP2 when considering all new development proposals which will impact on biodiversity...' (Policy ER5)

Design Issues

The consideration of the design of the development needs to take account of policies DP3, ER8 and ER13 in RPG13.

³ The policy identifies the 'areas of greatest risk' from flooding including the Ribble Estuary.

"New development must demonstrate good design quality and respect for its setting." (Policy DP3)

Furthermore, Policy DP3 notes that local authorities should:

"set out guidance to ensure more innovative design to create a high-quality living and working environment, especially in housing terms, which incorporates:

- more efficient use of energy and materials;*
- more eco-friendly and adaptable buildings;*
- sustainable drainage systems;*
- community safety and 'designing out' of crime; and*
- appropriate parking provision and best practice in the application of highway standards;*

encourage the provision of an appropriate range of sizes and types of housing to meet the needs of all members of society;

consider the transport implications of development proposals, in particular:

- the potential for the existing infrastructure to accommodate further development; and*
- the accessibility of sites by sustainable modes of transport, and any potential for improvement."*

Policy ER8 identifies the need to:

"...promote the use of Sustainable Drainage Systems (SuDS) in all new developments...;

...support the protection, management and development of flood defence; and take account of the longer-term impacts of climate change."

Finally, Policy ER13 highlights the need to:

"...ensure that development minimises energy use through careful and imaginative location, design and construction techniques...

positively encourage the use of energy-efficient technologies and energy from renewable sources in major new developments..."

I trust that the above comments will prove useful in considering the applications.

Yours sincerely



Duncan McCorquodale
Regional Planning Officer



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

Fylde Borough Council
Built Environment Manager,
Town Hall, Lytham St Annes,
Lancashire,
FY8 1LW

19th October 2005

Our Ref: DPU/EGF/002

Your Ref:

Enquiries to: Mr G Page

Direct line: 476241

Dear Sir,

**CONSULTATION ON APPLICATION NOS. 05/0541 and 05/0542:
MIXED DEVELOPMENT ON LAND AT LYTHAM QUAYS.**

Following your consultation, please find enclosed a copy of the Draft Committee report on the above applications which will be considered by the Development Control Committee on November 7th 2005.

The report sets out this Council's view that the applications should be refused planning permission as they are contrary to the normal application of policies in the Fylde Local Plan. It is further considered it would be premature to otherwise determine the applications in advance of a wider assessment of development needs.

Subject to confirmation by Committee, please accept these as the views of Blackpool Council on the above proposed developments.

Yours faithfully

Tim Brown
Acting Head of Planning and Transportation



REPORT
OF THE
ACTING HEAD OF PLANNING AND TRANSPORTATION
TO THE
DEVELOPMENT CONTROL COMMITTEE

ON 7th November 2005

CONSULTATION FROM FYLDE BOROUGH COUNCIL ON LAND AT DOCK ROAD (LYTHAM QUAYS):

OUTLINE APPLICATION 05/0541
MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 and 2 BEDROOM APARTMENTS, SITE ARE 28 .9 HECTARES

FULL APPLICATION 05/0542
MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS , SITE AREA PHASE ONE 10.1 HECTARES

1.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Fylde Borough Council has asked for this Council's views on the above proposed development. The proposal comprises an outline application and a first phase full application for a major mixed use development on land at Lytham Quays, immediately to the east of the existing Lytham main urban area.
- 1.2 The site mainly comprises a mix of existing industry business premises and other now vacant industry business land on the Dock Road Estate, which is allocated for industrial/ business use in the Adopted Fylde Borough Local Plan.
- 1.3 Given its location in Fylde at some distance from the Blackpool boundary, this Council's concerns set out in this report are limited to:
- A strategic level assessment of the wider planning implications of the development having regard to the existing strategic planning context provided by Regional Planning Guidance, the Joint Lancashire Structure Plan, as well as the Fylde Local Plan.
 - A brief assessment of the main industry/ business, housing, retail and leisure elements of the proposal.

2.0 STRATEGIC POLICY CONTEXT

- 2.1 The main existing strategic policy context is provided by the Joint Lancashire Structure Plan adopted in March 2005 which sets out relevant policies and proposals for development in Fylde to 2016. This Plan conforms to the wider spatial framework for the North West Region set out in Regional Planning Guidance issued in 2003 which became the Regional Spatial Strategy (RSS) for the North West in September 2004.
- 2.2 The whole basis of strategic guidance is to ensure that cross-boundary issues such as the amount of housing and employment land provision are consistent with and complement similar policies in neighbouring areas.
- 2.3 A review of the North West RSS is currently being undertaken to provide revised development policies and proposals for the North West Region which will for the first time be prepared and progressed as part of the statutory development plan process. The new North West Region Spatial Strategy will not be adopted until late 2007.
- 2.4 As part of the review of RSS a range of research is currently being undertaken on housing, employment, town centre and transport issues. The Northern Way Growth Strategy is a further major initiative published in September 2004 which seeks to establish an economic growth strategy for the North as a whole. It supports potentially increased development levels in the Central Lancashire City Region, and will further inform the RSS review.
- 2.5 At the national level, much greater emphasis is now being placed on the need for a more coordinated focus in shaping development policies between local authorities, in particular to facilitate a consistent development approach across common housing and employment market areas.
- 2.6 In all these terms there is major recognition at national and regional level of the need for a coordinated assessment of development needs. The current proposal for major development at Lytham Quays is on a scale far beyond that needed to meet current needs identified in the existing Fylde Local Plan. Although it is recognised that the lands might potentially form part of longer term regeneration plans, the current proposed scheme is considered premature in advance of such a wider review and assessment. Brief consideration of the major component elements of the development is set out below.

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3.0 MAIN ELEMENTS OF THE PROPOSED DEVELOPMENT

HOUSING

- 3.1 Policy 12 of the Joint Lancashire Structure Plan indicates provision should be made for 155 dwellings per annum in Fylde in the period 2001-2016. The housing provision completed to date in Fylde is well in excess of this rate. The Fylde Local Plan Alterations Review showed in 2004 that there was already an existing level of commitments sufficient to meet Fylde's future housing development needs to 2012. Given this level of supply, the Alterations Review concluded there is no current need for additional housing sites.
- 3.2 In addition the Fylde Local Plan Alterations Review identifies that the supply of housing in Fylde is augmented by potential provision of a further 1,350 dwellings identified by its urban capacity study, and a number of outstanding planning applications on previously developed sites. It is therefore fully evident that the existing level of provision in Fylde is already sufficient to meet well in excess of the identified need for 2,320 dwellings upto 2016.
- 3.3 Against this background, there is numerically no housing need for the scale of development now proposed at Lytham Quays, comprising 2,734 dwellings (975 in the first phase full application) is on its own in excess of the whole of the current Fylde requirement to 2016.
- 3.4 While RSS may result in increased development in future, the review is only currently being undertaken and will not be completed until 2007.
- 3.5 A Fylde Coast development review will need to be undertaken to reflect the RSS Review. Consistent with national and regional planning guidance the need will be for greater cooperation between the three Fylde Coast authorities to appraise development options within the Fylde Coast housing market to serve the needs of the Sub-Region as a whole. The potential development at Lytham Quays should form part of this wider review, but there is no requirement to justify its earlier consideration or approval.
- 3.6 While Blackpool Council's concern is focused on there being no current need for the development outside of a wider review, the mono-focus development comprising wholly 2,734 flats/ apartments is also considered contrary to current planning policy guidance which seeks to deliver a much greater mix of house types and sizes on all larger sites.
- 3.7 Fylde has undertaken a housing needs survey, the results of which may justify a substantial focus on meeting specific requirements, including an acute need for more affordable housing. Nevertheless the position remains that new development on this scale would normally be expected to be designed to cater for a wider mix of dwellings in order to support a more balanced and healthy community.

INDUSTRY/ BUSINESS

- 3.8 A parallel situation exists in terms of considering industrial/ business development. The Fylde Local Plan and Joint Lancashire Structure Plan identify that Fylde should provide 45 hectares of business and industrial land to meet development needs in 2001-2016. Such provision is made in the Plan on a range of sites. The Docks Road Industrial Estate is identified as a defined existing industry/ business area and Fylde Local Plan policy states this land will be retained for industry/ business use.
- 3.9 The proposed development at Lytham Quays includes 13,800 sq. m. of industry/ business floorspace and to this extent is fully in accord with its allocated purpose in the adopted Fylde Local Plan. However, the existing business use on site is stated in the application comprises more than 28,000 sq. m. The Lytham Quays proposal would see most of the site redeveloped for other purposes, with only 7% of the first phase full application development is proposed to be for industry/ business use.
- 3.10 National policy and the Fylde Local Plan recognise the importance of retaining and improving industrial business land. Plan objectives to meet development needs cannot be effectively met by the provision of new land unless plan policies are equally focussed on the retention, further development and expansion of existing estates.
- 3.11 The proposed development of Lytham Quays for other non industry business purpose is therefore contrary to the Fylde Plan and is again considered premature in advance of a wider review of future employment needs. The new RSS will include a review of employment land requirements for the Fylde Coast as a whole and Fylde Borough Council has commissioned its own review of employment land. In line with national guidance and the RSS review it is again considered it will be important to coordinate the review of employment land needs for the Fylde Coast as a whole, which effectively comprises one travel to work and one employment market area.
- 3.12 The Lytham Quay proposals are thus considered contrary to the Fylde Local Plan and current employment needs, and premature in advance of a wider review of employment development needs across the Fylde Coast.

RETAIL/ LEISURE USE

- 3.13 National planning guidance, reflected in the Fylde Local Plan, seeks to protect the vitality and viability of existing centres and focus new development on existing centres. This Council's shopping development strategy seeks to arrest decline and restore confidence and vitality in Blackpool town centre.
- 3.14 It is not considered the scale of retail development proposed would on its own have a significant adverse impact on the vitality of Blackpool town centre. However, the scale of retail floorspace (comprising 3,123 sq.m. and 9% of the total proposed floorspace) is not insubstantial. It will not be supportive of existing

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centres and would raise concerns if it was to be the commencement of another critical mass of out of centre retailing which will potentially further inhibit investment in nearby town centres. The principal impact arising from retail development at Lytham Quays would be expected to be on the nearby Lytham town centre and it will be a matter for Fylde Borough Council to give detailed consideration whether there is a need for such development as part of any wider development of the site.

- 3.15 The leisure development proposals as shown on the plans supporting the outline application include a cinema complex, ice rink, fitness centre and café/bar uses. Beyond the overriding issues of prematurity and loss of employment land, it is not considered there are any strategic planning concerns for Blackpool arising from the proposed leisure development at Lytham Quays.

Conclusion

- 3.16 The current proposal is contrary to current local planning policy and strategic planning guidance for housing and employment development.
- 3.17 The major strategic implications of the proposal cannot be adequately assessed in advance of wider assessments of the need for housing, employment and other supporting development needs as part of the ongoing review of the North West Regional Spatial Strategy policy.
- 3.18 On this basis the proposal should therefore be refused in accordance with the normal application of policies of the development plan. Although it is recognised that Lytham Quays might in the longer term have potential for major regeneration, it is considered it would be premature to otherwise determine the application in advance of a more coordinated wider assessment of future development needs.

4.0 RECOMMENDATION

- 4.1 **COMMITTEE REFER THIS REPORT TO EXECUTIVE COMMITTEE AND RECOMMEND, FOR THE REASONS STATED IN THE REPORT, THAT OFFICERS BE INSTRUCTED TO INFORM FYLDE BOROUGH COUNCIL OF THE COUNCIL'S VIEW THAT THE APPLICATION SHOULD BE REFUSED PLANNING PERMISSION AS IT IS CONSIDERED PREMATURE IN ADVANCE OF A WIDER ASSESSMENT OF DEVELOPMENT NEEDS .**

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Mr David Wilkinson
Built Environment Manager
Fylde Borough Council
Town Hall
LYTHAM ST ANNES FY8 1LW

Your ref 05/05/0541
Our Ref 05/05/0541 FSW/BE/
Date: 26 September 2005

Dear Sir

PROPOSAL: OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA: 28.9 HECTARES

LOCATION: LYTHAM QUAYS, DOCK ROAD, LYTHAM

APPLICATION NO. 05/05/0541

Thank you for your letter dated 15 August 2005 requesting strategic planning observations on the above planning application. These comments are written on the basis of the information that was available to me as at 6 September 2005. I have not seen various documents requested from Fylde Borough Council (on 17 August and 26 August 2005) and have therefore not been able to assess some aspects of the proposed development fully.

I have assessed this application with regard to the Adopted Joint Lancashire Structure Plan 2001-2016 (JLSP).

The Director of Strategic Planning and Transport considers that the housing element of the proposed development is contrary to Policy 12 of the JLSP and on balance would be unacceptable in terms of strategic policy at this time.

General Considerations

The proposals include the redevelopment of brownfield land. Policy 1 of the JLSP supports urban regeneration, including priority re-use or conversion of existing buildings, and then the use of brownfield sites.

The development comprises a mix of uses and is of a high density. This is supported by Policy 1a) and c) of the JLSP which seek efficient use of land and a balance of uses that helps achieve sustainable patterns of development.

The site is within the Blackpool/Thornton/Cleveleys/Fleetwood/Lytham St. Annes Principal Urban Area (Policy 2 of the JLSP) and is also located within a Regeneration Priority Area.

Housing

2,734 residential units are proposed in this application (600 of which would be affordable). Taking into account the existing permissions for 260 dwellings on this site, this would represent an increase of 2,474 dwellings, which the applicant indicates would be built between 2010 and 2022.

Policy 12 of the JLSP requires an annual average provision in Fylde of 155 (775 dwellings 2001-2006). Total completions for 2001-2005 at 31 March amounted to 1,017 dwellings, while outstanding permissions numbered 1,307 dwellings (1,047 excluding existing permissions on this site). Therefore, there are sufficient residential completions and planning permissions, excluding those that would be superseded by this application i.e. 1,017 plus 1,047, to meet housing requirements until 2014.

I have concerns that the proposed housing would exacerbate the Borough's current housing overprovision. Paragraph 6.3.13 of Policy 12 (JLSP) addresses the issue of affordable/special needs housing and mixed-use regeneration schemes in situations of housing over-supply. This states that "where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project".

I refer to the Inspector's draft report following the Public Local Inquiry into the Alterations Review of the Fylde Borough Local Plan. I note that the draft report may be treated as being in the public domain. The recommendation of paragraph 3.1.22 of the Inspector's Report states that "at least 60%" affordable housing should be provided on sites in Lytham St. Annes. The proportion of affordable housing arising from this application would not meet the requirements set out in the Inspector's Report because the 600 affordable dwellings proposed (equivalent to 22% of the overall proposed housing) would fall far short of the recommendation given.

The scheme could be considered to be acceptable as a mixed-use regeneration project. The translation of this Structure Plan policy to Local Plan policy was explored through the draft Report of the Public Local Inquiry. This states in paragraph 3.10.11 that housing contributing to oversupply may be acceptable where: "it forms a key element within a mixed use regeneration project of sufficient benefit to the borough as a whole to override the issue of quantitative oversupply, and providing that a maximum quantity of affordable housing is included".

Given the low level of affordable housing proposed, it is considered that the scheme would not be justified in terms of being acceptable as a mixed-use regeneration project.

Notwithstanding the above, the scale of housing over-supply that would result if the application were to be granted permission is the main issue. Paragraph 3.1.9 of the draft Report of the Public Local Inquiry states that it should be recognised that in allowing exceptions that would contribute to an oversupply of housing, JLSP Policy 12 totals should not be substantially exceeded as a consequence.

It is considered that in view of the housing situation in Fylde and the factors outlined above, the proposal would be contrary to Policy 6.3.13 of Policy 12 (JLSP).

However, I am aware that strategic housing provision levels are likely to change over the course of the determination of this application as a result of emerging Regional Spatial Strategy policy. I suggest that your Council consult the North West Regional Assembly regarding implications of emerging RSS policy on this application.

I would also like to make the following comments with regard to the supporting Planning Statement:

- Paragraph 8.6.5 suggests that authorities should maintain 10 years supply of planning permissions. This is not a requirement of national planning policy.
- The Statement argues that the affordable and sheltered/extra care dwellings should not be counted against housing requirement figures. However, paragraph 6.3.13 of the JLSP states clearly that Policy 12 sets out dwelling requirements for all sections of the community including affordable housing. Figures 2 and 3 are therefore incorrect.
- It is debatable whether the proposed sheltered and extra care homes could be considered as being special needs. I refer to the draft Report of the Fylde Local Plan Public Local Inquiry, which states that it would appear reasonable to count sheltered housing against the Policy 12 provision and that extra care housing cannot easily be applied to local plan policy as meeting special needs. The Report also states that such schemes would presumably be capable of falling within provisions for affordable housing.

It is noted that in paragraph 8.6.19 it is stated that in addition to on-site provision of affordable/sheltered/extra care homes, the applicants propose to offer a 'commuted payment'. No details are given of this payment and I am therefore unable to comment on it.

Retail and Leisure

3,143 sq.m (gross floorspace) of retail, as well as bars and cafes totalling 6,427 sq.m are proposed alongside a 2,753 sq.m cinema and a 4,760 sq.m fitness centre.

Policy 16 of the JLSP states that retail, entertainment and leisure development will be located in accordance with the sequential approach, and must not significantly harm the vitality and viability of other centres, nor prejudice any regeneration initiative or town centre strategy within or adjoining Lancashire. Lytham is designated as a tier 2 centre in the Policy 16 retail hierarchy in which 'medium-

scale development', which may have for example a District/Borough wide catchment, would be appropriate.

The proposed retail and leisure units would be categorised as being out of centre in relation to Lytham town centre.

I have not seen copies of the supporting retail and leisure statements. The main issues regarding retail are considered to be whether need can be demonstrated for proposals, whether there are sequentially preferable sites available, and whether there is likely to be any adverse impact on other centres, including Lytham town centre in particular. I would strongly recommend that your Council undertake an assessment of the application to determine whether the proposed retail floorspace will be acceptable in terms of the above.

I note that the Lancashire Shopping Study prepared by Nathaniel Lichfield and Partners for the Joint Structure Plan Authorities in March 2003 states that Lytham will be able to support between 852 sq.m and 2,853 sq.m (net floorspace) of new non-food floorspace by 2011. This would therefore suggest that Lytham could be capable of supporting the 3,143 sq.m gross floorspace proposed in the application.

Employment Land

You should be satisfied that this development will not harm the ability of your Council to make provision for 45 Ha business and industrial land as set out in Policy 14 of the JLSP.

Offices

3,382 sq.m of office floorspace are proposed. Policy 17 of the JLSP directs major new office development to locations in or adjoining town centres or transport hubs and public transport accessibility corridors within Principal Urban Areas, Main Towns and Key Service Centres (Market Towns).

If your Council is minded to grant consent to the proposed development, all office development should be located within a maximum of 400m and preferably 300m walking distance of a bus stop on a route designated to 'Quality Bus' Standard.

Tourism

Policy 19 of the JLSP 'Tourism Development' identifies Lytham St. Annes as a Strategic Tourism Development Area. Tourism development at this site would therefore be acceptable. However, Policy 19 also states that all large-scale visitor attractions must be conveniently accessible by public transport.

Transport

The submitted Transport Assessment is considered to be deficient with respect to sustainable transport as stated in PPG13. This includes a lack of information on public transport (access by rail and bus) and walking and cycling. I also have

concerns about traffic generation figures. Lancashire County Council will respond in detail separately on this matter and related highway issues.

Policy 1b) of the JLSP requires that new development should contribute to high accessibility for all by walking, cycling and public transport. The information provided does not give clear evidence of this matter. The applicant needs to demonstrate that both local and strategic public transport access to the site are adequately addressed.

Policy 8 of the JLSP seeks the completion of the Heyhouses/M55 link. The supporting Planning Statement states that the applicants propose to pay for 'abnormal costs' including costs associated with the acquisition of land and construction of the M55/Heyhouses Link Road.

Access to rail network

One of the key issues to address is providing good access to the rail network. The developer should produce a study assessing the technical feasibility of providing a new rail station close to the development e.g. at Saltcotes Road. If it is shown that this is feasible, the developer should fund the cost of constructing the station and means of access thereto. The introduction of the station would provide potential to give direct public transport access to the new development - linking into the national rail network.

The existing rail service on the line is currently operating close to capacity. In order to make the existing service more robust and to increase frequencies, there is a need to provide additional infrastructure such as a passing loop on the line. The developer should produce a technical feasibility study and if a feasible solution is identified, secure its implementation.

These proposals offer potential to minimise traffic generation from the new development. The development of the proposals should be carried out in consultation with the County Council and the rail industry.

Access by bus services

It is essential that the design of the development provides for good accessibility by bus services. I note that the draft layout includes a through-corridor which can be served by buses. The operation of through bus services offers the potential for more efficient operation, however, the impact on the broader network needs to be taken into account in association with the County Council and bus operators.

All development should be located within 400 metres walking distance of a bus stop and all bus stops within the site will need to be provided to Quality/accessible standards in accordance with County Council requirements. Where possible, the provision of real time information should be provided.

The new development would be expected to fund services that maximise accessibility into and through the site to the satisfaction of the County Council. Any

such bus services should be operated by low floor accessible buses with the developer funding the additional cost of such vehicles.

Cycling and Walking

The new development should be fully linked into the local and national cycle network. I recommend that you contact Tony Alker (Public Rights of Way) at the County Council about improvements to the 'Coastal Way' path, which forms part of a regional route that runs through the site.

Parking

Technical Appendix 2 of the JLSP 'Parking Standards' provides maximum parking levels for development as well as further guidance on reduced parking for sites with good accessibility and requirements for mobility parking, bicycles and motorcycles. In the absence of the relevant plans I am unable to assess the proposals against the parking standards. 'Parking Standards' also states that a Travel Plan should be provided for this scale of development.

Archaeology

Previous proposals to develop the site have met with a recommendation from the Lancashire County Archaeology Service that the site be the subject of a desk-based assessment and field evaluation. A desk-based assessment in 2004 identified a number of sites of archaeological potential, both built and below-ground, and recommended further evaluation of the site by means of trial trenching. Due to ownership issues only 14 out of 23 proposed evaluation trenches were excavated, of which two encountered structural evidence associated with the former docks on the site.

On the basis of work currently undertaken, and submitted as part of the Environmental Assessment, it is considered unlikely that archaeological deposits or features that could be considered to be of national significance, and therefore meriting preservation in situ, survive on the site. A number of features of local importance have, however, been identified which will require further recording.

The proposed mitigation measures presented in 10.81-10.84 of the Environmental Statement are considered to be an appropriate means of dealing with any potential below-ground archaeological deposits or features, as well as any surviving standing remains on the site.

The Lancashire County Archaeology Service would therefore recommend that, should planning permission be granted to this or any other scheme, the applicants be required to undertake the proposed archaeological mitigation measures, as outlined in 10.81-10.84 of the Environmental Statement, and that works should be secured by means of the following condition:

Condition: No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance

with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Specifications and a list of professionally qualified archaeological/building recording consultants and organizations that could carry out appropriate archaeological works can be obtained from the Lancashire Archaeology Service.

Ecology

I understand that you have requested ecological advice directly from the Specialist Advisory Services group, and that they will respond to this application separately.

Landscape

As stated above, various documents requested from Fylde Borough Council have not yet been received. Therefore it is not possible to assess the landscape impact of the proposals on available information.

Landfill

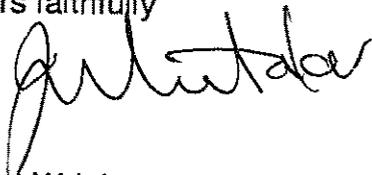
It is thought that some of this land may have been used for the deposit of waste materials. It is recommended that an appropriate desk top study and ground investigation be carried out to identify the presence or otherwise of previously tipped material and the suitability of the ground for the development as proposed.

Conclusion

The Director of Strategic Planning and Transport considers that, on the information before him, the proposed development is contrary to Policy 12 of the JLSP and on balance would be unacceptable in terms of strategic policy at this time.

You should contact the Director of Highways and Environmental Management if you require detailed highway design comments to this application.

Yours faithfully



Stuart Wrigley
Director of Strategic Planning and Transport



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Built Environment Manager
Fylde Borough Council
Council Offices
Derby Road, Wesham
Preston, PR4 3AJ

Your ref 05/541 & 05/542
Our ref 05/3557 & 05/3558
Date 05/09/2005

Dear Mr Wilkinson

Location: Lytham Quays, Dock Road, Lytham St. Annes, FY8 5A
Proposal: Outline - mixed development - cinema, leisure, retail, industrial, education, 2734 apartments & Full - Mixed development - cinema, leisure, retail, canals, ice rink, 975 apartments

Thank you for your planning consultations of 15 August 2005. I have no objection to the proposal providing that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency.

It is unclear if the existing sewer network has the capacity to accommodate this development. Flow investigations will be required before this may be confirmed. The applicant must discuss full details of the site drainage proposals with United Utilities Rob Tidswell (01925 537175).

Currently, United Utilities policy is not to adopt any SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -

- * The Local Authority takes responsibility for the maintenance of the pond
- * The freehold of the land on which the pond lies is transferred to the Local Authority
- * United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain some provisions against development within the balancing pond, and against altering its topography, or making connections to it.

A section 104 (Water Industry Act 1991) agreement for the surface water drains to the balancing pond, will not be entered into until every condition described above has been met.

Prior to the approval of any planning application incorporating SUDS features, a meeting must be arranged to formally discuss the proposal. Any such meeting should include a representative from United Utilities, the Local Authority drainage department and the developers.

It is likely that this site will drain to Lytham Wastewater Pumping Station, which pumps flows to Preston Wastewater Treatment Works. It is likely that the proposed development will have a significant impact on the pumping station, which could require major work to accommodate the additional flows. This upgrading could include additional pumps, an upsized rising main, increased storm storage capacity to ensure that United Utilities comply with the Environment Agency Bathing Water spill requirements.

This area has low water pressure problems and in order to serve a development of this size would require laying a new main 8.5kms long from the service reservoir to the site, at the developer's expense. Should this planning application be approved, the developer should contact our Service Enquiries Department (Tel No: 0845 7462200) regarding connection to the water mains.

United Utilities has several public sewers and water mains located in development area. 24 hour open access is required to the sewers, manholes and water mains for maintenance and repair. The level of cover to the water mains and sewers must not be compromised either during or after construction.

We will not permit building over our assets and will require access strips of *not less* than 6 metres wide, measuring *at least* 3 metres either side of the centre line of the sewers, for maintenance or replacement. Therefore, a modification of the site layout, or a diversion of the affected public sewers at the applicant's expense may be necessary. To establish if any sewer diversions are feasible the applicant must discuss this at an early stage with our Wastewater Adoptions Engineer, Colin O'Mara (01925 464612) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

We also require an access strip of *not less* than 5 metres wide, measuring *at least* 2.5 metres either side of the centre line of the water mains. Any necessary disconnection or diversion, of the water mains, required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 149, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. If a diversion is required the applicant must discuss this at an early stage with the Regional Mains Diversion Team (01925 463191).

The development is shown to be adjacent to/include our electricity substations site and therefore, it is essential that the applicant check that they are within their own land ownership and that United Utilities maintenance and/or access rights are maintained. If planning permission is received, the applicant should check land ownership with Phil O'Brien, UU Facilities & Property Management Ltd, Coniston Buildings, Lingley Mere, Lingley Green Avenue, Great Sankey, Warrington, WA5 3UU.

The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/overhead line/underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationary Office Publications Centre and The Stationary Office Bookshops, and advised to follow the guidance given. The documents are as follows: -

HS (G) 47 - Avoiding danger from underground services.
GS 6 - Avoidance of danger from overhead electrical lines.

The applicant should also be advised that, should there be requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the developer.

The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter our substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

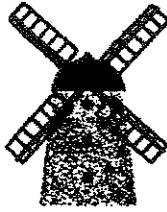
United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a quality service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the developer give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Please note that a copy of these comments has been forwarded to the applicant.

Yours sincerely



Kevan Williams
Asset Protection (Formally External Planning Liaison)



Lytham St. Annes Civic Society

**Comment on planning applications re: Lytham Quays .
3rd October 2005**

Key issues

There are a series of key issues which have to be considered on the two applications currently with Fylde Borough Council, one for full approval of part of the site and another for overall outline approval of the whole site.

This in itself seems inappropriate for the simple reason the full approval cannot exist without the outline for the whole site. Giving full approval for part of the site given the nature of the development makes a nonsense of splitting it into two.

The process should have been an outline for the whole followed by approval of reserved matters as the development progressed. That said the following issues are of critical importance to the town.

DENSITY, SCALE AND CHARACTER

- Lytham is a modest seaside town of a charming character typified by two and three storey development. The unique charm of the Green helps to create a character which is open and spacious and gives an appreciation of the sea from many aspects of the town. Any new development proposed should have regard to this openness and, more importantly, to the scale of the town.
- Therefore before any other comments are made it should be noted that the current application pays no heed whatsoever to the inherent character of the town. The development is predominantly 5 and 6 storeys sitting at podium level with the odd tower block thrown in for good measure. The densities are extremely high, verging on 90 units per hectare. This is more appropriate for a London quayside than Lytham.
- This extremely dense development will also serve to physically and visually block out the coastline from residents travelling in the area.
- The introduction of double height parking levels results in what can only be blank walls at road level along the spine road which enters the site opposite Lytham Hospital. The layout shows trees along this elevation but they will not mask the fact that this is a dead frontage.

TRANSPORT INFRASTRUCTURE

- The proposal for over 2700 apartments, with say an estimated average of 2.5 inhabitants per dwelling, creates an additional population of 6750 people. Lytham is already congested in terms of parking and traffic routes; there is no adequate link to the motorway. This number of residents will increase the traffic substantially, not to mention the disruption caused by construction traffic over a period of 15 to 20 years. Lytham as we now know it will no longer be a pleasant place to visit and could well lose its attraction as a tourist destination.
- The footpath route alongside the sea wall appears to be narrow and constricted, in the main some 2.5 metres wide immediately adjacent to apartments. This will not enhance the coastal route.
- Local transport including buses will be seriously affected.
- There does not appear to be a park and ride facility shown in the plans.
- No easy and direct cycles routes have been shown
- No obvious easy pedestrian routes are available through the site. They are directed along necessary routes of development.

HEALTH AND EDUCATION

- There is already a secondary school problem locally and children are being sent to Preston.
- The primary school site shown is served by a cul-de-sac, this is inappropriate
- The proposed Health Centre is inappropriately sited and could only be considered suitable should the Quays development go ahead. The recent decision not to grant permission for it, taken by the councillors, was the correct one as the Quays site is far from a foregone conclusion.

REGIONAL GUIDANCE AND AFFORDABLE HOUSING

- There is currently a moratorium on housing in the Fylde area (as there is in several other 'honeypot' areas of the northwest). Without knowledge of future forecasts it is reasonable to assume that the number of units proposed would mop up the Fylde and Wyre allocations for the foreseeable future.
- The figures quoted in the applications indicate affordable housing in the order of 25% of the total. This housing would in the main be owned and rented out by one or several housing associations. There will not be large numbers of cheap houses for sale as we are being led to believe. The properties will in the main have to be expensive in order to cover the costs of the deck level podium and services which will have to be incorporated to make the development work. The complexity of the canal

system and the pumping required to keep the water sanitary will also be an added burden on future residents and commercial occupants of the site.

- The current approvals for residential development on the Cooksons and Saddlers sites are being greatly increased in the current application.
- It is understood a (draft) spatial strategy for the Northwest will be published shortly, it will be interesting to see how this strategy relates to the current application.

ENVIRONMENTAL/ECOLOGICAL ISSUES AND CONTAMINATION

- This site sits alongside a highly valuable coastline in terms of bird and wildlife. The impact of this development will be immense both during and after construction. The flood issues are being dealt with by raising the entire development. We understand that treated surface water run off will be used to top up the canal system.
- Existing coastal footpaths are being removed/altered and will not provide the type of facility expected of a coastal way.
- Areas of the former industrial sites are known to be contaminated. The costs of removal and remediation will be high adding to the costs of the housing.

PUBLIC OPEN SPACE

- The masterplan as currently shown does not appear to contain any significant areas of public open space within the area outlined in red. There are established standards which set out the scale, type and location requirements for a development of this size. A population density of this nature would require substantial areas of public open space using the 6 acres to 1000 population as a rough guide.
- The areas marked as Public Open Space are outside the site on land owned by others in an area which is currently agricultural and Green Belt.

RETAIL/LEISURE/EMPLOYMENT ISSUES

- There are extensive areas in the plan devoted to non-residential uses. The level of retail development shown could have a serious impact on the viability of Lytham Town Centre. The inclusion of restaurants and cafes (numbering some 30 units) would also have a major impact on this type of facility in Lytham centre. The current facilities in Lytham have recently developed a reputation for a high quality offer for daytime café meals and evening dining. This proposed development has the potential for metaphorically tipping Lytham into the sea if the level of facilities shown does come about and takes the place of the current facilities in the town

centre. The level of commercial facilities shown in the proposed Quays masterplan appear to be creating a destination venue in themselves and not a complementary facility to Lytham as we know it.

- The seven screen cinema would have to attract viewers from the entire region as UCI Riversway does at present in order to be viable. This will further clog up the roads and parking may not be adequate.
- The employment areas shown in the development are necessarily splitting the residential areas into two sites as the employment uses proposed are adjacent to those premises which have declined to be bought out by Kensington. This area has been further enlarged by a sizeable fitness centre and observatory. The buildings shown have vast footprints.
- The so called 'brownfield land' has been self created by the developer buying up and relocating businesses and demolishing their former premises. It is frightening to see the impact large land holdings can have on distorting natural market forces and land availability.
- This type of mass movement of businesses should be planning policy driven and not developer driven. The land currently the subject of the application is, with the exception of the Cooksons and Saddlers sites, designated as employment land in the Local Plan.
- The employment uses shown alongside the road include B8 uses. This includes warehouse and distribution, facilities that can be up to 9 metres in height. These are shown very close to the highway. What a gateway into Lytham!!

SUMMARY

The scale of development shown is quite out of character with the area. The level and intensity of development shown will impact on Lytham town centre and also the region as a whole. Physically and visually the development would dominate the east end of Lytham and if built make the existing town feel like an adjunct.



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David Wilkinson
Built Environment Manager
Fylde Borough Council
Council Offices
Derby Road
Wesham
PR4 3AJ

Your ref 05/541
Our ref TS/D5/05/541/KC/JP
Date 8 September 2005

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING
CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS,
EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM
APARTMENTS, SITE AREA 28.902 HECTARES, LAND AT LYTHAM QUAYS,
DOCK ROAD, LYTHAM, LYTHAM ST ANNES**

Thank you for the consultation on the two related applications at Lytham Quays.

Due to the nature of the applications it is unlikely that I will be able to reply to you in detail by the required date of 26 September 2005.

I note the list of related plans and understand that these, and supporting statements will be made available on a disc shortly. If this is not correct, if advised, I can send a list of plans and statements required.

Yours faithfully

Keith Cameron
Traffic & Development Manager

The Wildlife Trust for Lancashire, Manchester and North Merseyside

The Barn, Berkeley Drive, Bamber Bridge, Preston PR5 6BY
Tel: (01772) 324129 Fax: (01772) 628849 Email: lancswt@cix.co.uk
Website: www.wildlifetrust.org.uk/lancashire



Fylde Borough Council
Town Hall
Lytham St Anne's
Lancashire
FY8 1LW

FAO David Wilkinson, Built Environment Manager

31st October 2005

Your Ref: 05/0541 and 05/0542

Dear Sirs

APPLICATION 05/05/0541

OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM APARTMENTS

APPLICATION 05/05/0542

FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK, AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS (PHASE 1)

LOCATION: LYTHAM QUAYS, DOCK ROAD, LYTHAM

Thank you for consulting the Wildlife Trust in connection with the above applications. We would wish to **OBJECT** to both applications in their current form, for the reasons detailed below.

Interdependence of separate applications

Both planning applications and the accompanying Environmental Statement (ES) indicate a range of significant environmental impacts associated with the proposed development, in particular, relating to the impoundment of Liggard Brook. The ES (section 3.91) states that is proposed to use freshwater from the impounded Liggard Brook (detailed in 05/05/0541) as a source of water for the canal system. It would thus appear that a major element (the canal system) of 05/05/0542 is dependent on 05/05/0541. In view of the interdependence of the 2 applications (and the provision of a single Environmental Statement for both applications), the Trust believes that they should be assessed together and not in isolated phases.

Insufficient Information for Determination

Application 05/05/0541 would impinge on Lytham Foreshore Dunes & Saltmarsh Biological Heritage Site (BHS 32NW01) and would affect Habitats of Principal Importance (CRoW Act, 2000) /Priority habitats of the UK and Lancashire Biodiversity Action Plans as well as species of nature conservation significance. The application may also affect the adjacent statutorily designated sites. This application does not adequately demonstrate that impacts on the BHS, statutorily designated sites and the above habitats and species are unavoidable. The

application and ES do not include sufficient information to adequately assess the full ecological impacts of the proposals or to demonstrate that there will be sufficient mitigation/compensation measures to ensure that there will be no net loss of biological heritage value. In view of this, the Trust would recommend that Fylde Borough Council should consider refusal of this application.

Application area 05/05/0542 is immediately adjacent to the BHS. This application may affect the neighbouring statutorily designated sites. Various species of nature conservation significance are also present in the application area. The application and ES do not include sufficient information to adequately assess the full ecological impacts of the proposals or to demonstrate that there will be sufficient mitigation/compensation measures to ensure that there will be no net loss of biological heritage value. In the absence of this information, the Trust recommends that Fylde Borough Council should consider refusal of this application.

Impact on Designated Sites

Table 6.1.7 of the ES indicates that, without mitigation measures, the proposals would result in a major adverse impact on the adjacent statutorily designated sites. Both applications, particularly 05/05/0541, could result in disturbance to the internationally important bird populations associated with the Ribble and Alt Estuaries SPA. Works affecting the existing landfill site may also have the potential to release pollution into the SPA. The proposed impoundment of Liggard Brook under application 05/05/0541 may affect the dynamics of the Ribble & Alt Estuaries SPA/Ribble Estuary SSSI and would result in a loss of habitat continuity, which may affect the bird populations associated with the SPA. Accumulation of sediment and eutrophication of water in Liggard Brook are likely to result from the proposed impoundment. Subsequent release of sediments and eutrophic water into the SPA may be damaging.

Before determining the application, Fylde Borough Council needs to seek advice from English Nature regarding potential impacts on the above statutorily designated sites.

Impact on Lytham Foreshore Dunes & Saltmarsh BHS (32NW01)

The application area for 05/05/0541 impinges on Lytham Foreshore Dunes & Saltmarsh Biological Heritage Site (BHS 32NW01). Reasons for this designation include the presence of coastal habitats, including saltmarsh and mudflats. The proposals include the impoundment of Liggard Brook, which forms part of this BHS. The impoundment of the Brook would result in the loss of areas of saltmarsh and mudflats. These are Habitats of Principal Importance and Priority habitats of the UK Biodiversity Action Plan. The objectives/targets of the UK BAP state, "No further net loss of coastal saltmarsh" and to "maintain at least the present extent and regional distribution of the UK's mudflats". Section 6.221 of the ES states that "The development site will result in the cumulative loss of UK BAP priority habitats which include; mudflat and saltmarsh within Liggard Brook contributing to the incremental loss and in doing so contradicting the objectives and targets of the respective Habitat Action Plans". The proposals are therefore contrary to the above policies.

Impoundment of Liggard Brook and the proposed quay on the south bank would also be contrary to Lancashire BAP targets for Rivers and Streams e.g. to prevent the loss of riparian habitat through inappropriate development. The proposed crossing of Liggard Brook is also within the BHS. The design of the crossing may result in fragmentation of the riparian habitats, which would be contrary to the above policies.

Application 05/05/0541 and the ES have not demonstrated that the impact on the BHS and loss of Habitats of Principal Importance/BAP habitats is unavoidable. Where unavoidable impacts may result from development, mitigation/compensation measures are required to ensure that there is as a minimum no net loss of heritage value (Joint Lancashire Structure Plan Policy 21). To ensure that there will be no net loss of biodiversity, mitigation/compensation proposals need to be informed by a comprehensive ecological survey of the areas affected. This should include a full habitat survey including mapped plant communities, a full botanical species list showing relative abundance and a comprehensive

2
assessment of the faunal interest. Detailed mitigation/compensation proposals for unavoidable impacts of the development, informed by a comprehensive ecological survey of the areas affected, do not appear to have been provided.

Section 6.186 of the ES states that "The impoundment of Liggard Brook will result in significant, permanent changes to the ecology of this section of the watercourse. The permanent loss of saltmarsh and mudflat within the Brook and hence potential impacts to wetland birds cannot be mitigated. The only mitigation that can be considered is the creation of compensatory habitat at a location within the vicinity of the development. If appropriate, this is to be considered on or adjacent to the area designated as public open space".

Section 3.80 of the ES states that reeds are to be planted on a re-profiled berm on the northern side of Liggard Brook. Although reedbed is a UK BAP Priority habitat, the UK BAP target for the creation of new reedbed states that this should be on land of low nature conservation interest. Other detailed proposals for re-establishment of compensatory habitats do not appear to be included within the application or ES.

In the absence of information that adequately demonstrates that the impacts on the BHS are unavoidable and that there will be adequate mitigation/compensation to ensure no net loss of biological heritage value, the application does not comply with the above policies. Fylde Borough Council should therefore consider refusal of application 05/05/0541. As stated previously, elements of application 05/05/0542 appear to depend on approval of application 05/05/0541 and we believe that they must be assessed as a whole.

Sections of the application areas for both 05/05/0541 and 05/05/0542 are immediately adjacent to the BHS. Impacts on the BHS may result from development works e.g. as a result of vehicle movements or storage of materials. Long term impacts may also result from increased recreational use of the BHS. If Fylde Borough Council is minded to approve either of these applications, the protection of the BHS from such impacts should be the subject of appropriate planning conditions. These should include amending of the design of the development to include a landscaped buffer strip between the BHS and the development area.

Breeding Birds

It is stated in the ES that no breeding bird survey following a recognised methodology (e.g. BTO breeding bird survey) has been undertaken (Section 6.20). It is therefore not possible to adequately assess the likely impacts of either application on breeding bird populations. It is also stated in the ES that casual observations have revealed that linnet use the site. The linnet is a Priority Species of the UK Biodiversity Action Plan and a species of Principal Importance. An adequate breeding bird survey should be undertaken before either application is determined, so that likely impacts on linnet and other bird species of nature conservation significance can be adequately assessed.

Many of the habitats on site have the potential to support breeding birds. If either application is approved then works during the bird breeding season (March to July inclusive) should therefore be avoided where there may be an impact on nesting birds. This should be the subject of a planning condition. Potential disturbance of birds associated with the adjacent SPA is also likely to influence timing of works. English Nature should be consulted on this matter.

Protected Species - Water Voles

The potential for upstream impacts on water voles in the Fylde Drains catchment arising from the impoundment of Liggard Brook needs to be adequately assessed before the application is determined.

Invertebrates

It has been acknowledged in the ES that parts of the site are likely to be of value to invertebrate populations. The ES states that the striped snail (*Cerithium virgata*) was frequently encountered on the grassland on the former landfill site. The grassland may

therefore qualify as a Biological Heritage Site under Guideline Mo4. No proposals to avoid impacts on this species, or to mitigate/compensate for unavoidable impacts appear to have been included in the ES.

Japanese knotweed (*Fallopia japonica*)

Japanese knotweed (*Fallopia japonica*) is present within the application area for both applications. The spread of this species as a result of the proposed works needs to be avoided. This should be the subject of a planning condition if Fylde Borough Council is minded to approve either application. Environment Agency control guidelines should be followed.

Landscaping/restoration proposals

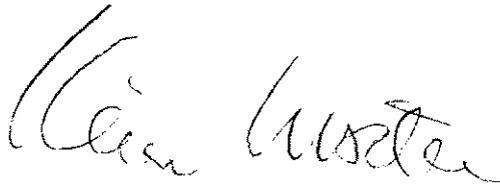
If Fylde Borough Council is minded to approve either application, then the applicant should be required to submit detailed landscaping/restoration proposals for approval by Fylde Borough Council in consultation with Lancashire County Council ecologists.

Further consultation

In addition to consultation with English Nature as recommended above, the advice of the Environment Agency should be followed on a number of issues relating to this development, especially, the impoundment and bridging of Liggard Brook, the excavation of canals within or adjacent to a former landfill site, all issues relating to potential contamination and impacts on water quality, flood risk and possible changes in coastal processes.

I hope that these comments will be of use in determining this application.

Yours faithfully



Kim Wisdom

Conservation Officer for North Lancashire (Monday to Wednesday)

Direct line: (01772) 317241 Direct email: kwisdom@lancswt.cix.co.uk

Our Ref : CN/2005/003716-1/4
Your Ref : 05/0542



**ENVIRONMENT
AGENCY**

Date : 03 November 2005

The Built Environment Manager
Fylde Borough Council
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FY8 1LW

Dear Sir/Madam

FULL APPLICATION FOR MIXED DEVELOPMENT INCLUDING CINEMA COMPLEX, LEISURE & RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS (10.13 HECTARES PHASE ONE) LAND AT LYTHAM QUAYS, DOCK ROAD, LYTHAM ST ANNES

Thank you for referring the above application and supporting Environmental Impact Assessment (EIA), which was received on 6 October 2005. This is clearly a complex and significant planning proposal, and I apologise for the delay in replying, and appreciate the extension to the consultation period, until 3 November 2005.

The Agency OBJECTS to the proposed development as submitted on the following grounds:-

The proposal as submitted is considered contrary to policy number EP29 (Contaminated Land) in the Fylde Borough Local Plan (1996-2006) adopted in May 2003 Plan.

We have no objection to the principle of re-development of Phase 1 as identified in the Environmental Statement, and we acknowledge that a development of this nature would help to remediate several brownfield sites and help decrease a pollution load on local controlled waters and the ecological environment. However, based on the detail and content of the Environmental Statement as prepared by Atkins (Chapter 7: Geotechnical & Land Remediation), it is our opinion that there is a need for further site investigation and interpretation, which we understand is also the understanding of the developers environmental consultant.

Planning Policy Statement 23: Planning & Pollution Control states that "if potential for contamination is confirmed, further studies by the intending developer to assess the risks and identify and appraise the options for remediation should be required". Chapter 7 of the EIA establishes that there is a potential for the two licensed landfills within the boundary of the Phase 1 application to be producing both landfill gas and leachate which can affect the development and groundwater respectively. However, there has not been a further investigation to define the impact that these sites are actually having on the groundwater/surface water environment. This is circumvented by stating that it would be possible to prevent this pollution by installation of a barrier. The design, location or geotechnical specification of such a barrier is not included. Section 7.131 of the EIA states that this need further investigation and risk assessment, and we strongly concur.

Another significant issue that needs further investigation is the construction of the canalised waterways partly on top of the licensed landfills. Section 7.134 states that it would be possible to hydraulically separate the landfills and proposed waterways from the existing controlled water, and initially this may be possible. But we are of the opinion that over time (as occurs with pipe ways and culverts), the structures would become less watertight, and would eventually seep. This would allow the leaching of any contamination to begin again at a future date. We would prefer to see the removal of any contamination that could cause leachate to contaminate either groundwaters or surface waters. This would require selective investigation and remediation of some form, or removal, prior to development taking place.

Both the landfills are known to be generating landfill gas, and once the areas are covered it is accepted within the Environmental Statement that gases could accumulate to the extent that they could adversely affect the development. The proposed method of dealing with this is to install gas barriers within the structures of the development. This is suitable where development is proposed adjacent to a landfill, as the inbuilt precautions would be supplemented by a secondary barrier to prevent migration of the gas from the deposits. The secondary

Environment Agency

PO Box 519, South Preston, Lancashire, PR5 8GD, Tel no:01772 714043, Fax no:01772 967032

barrier is not possible when construction is directly upon the landfill, and in this respect we would expect the gassing source to be decreased in some way. As we have discussed before, this would possibly include sorting of the wastes or dig and dump. The former could also require planning permission, and waste management licensing. Based on this, we would suggest that the singular in built precautions as proposed may not be adequate in this case.

Section 7.16.1 states that 'a more definitive assessment for LFG impacts should be made on the basis of monitoring data from further investigations.' and section 14.2 states that the potential 'for further ground contamination on site that may require remediation prior to the site being developed'. We agree with this..

Based on these concerns, Para 2.17 of PPS23 Annex 2 that identifies developers as being responsible for determining whether or not a piece of land is suitable for a particular development, and Para 2.33 of the same policy that states "that any existing or new unacceptable risks should be identified and proposals made to deal with them effectively as part of the development process", we would recommend further investigations of the potential contamination sources within the boundary of application to demonstrate that the proposed site is suitable for use in terms of the potential risk to controlled waters.

We look forward to receiving further information to address the above concerns, and at that stage we will be in a position to re-evaluate our objection to this application.

A copy of this letter has been sent to the Applicant.

Yours faithfully

IAN SOUTHWORTH
Planning Liaison Officer

CC: Kensington Developments

Our Ref : CN/2005/003970-1/2
Your Ref : 05/0541



**ENVIRONMENT
AGENCY**

Date : 02 November 2005

The Built Environment Manager
Fylde Borough Council
Town Hall
St Annes Road West
St Annes
Lancashire
FY8 1LW

Dear Sir/Madam

**OUTLINE APPLICATION FOR MIXED DEVELOPMENT INCLUDING CINEMA COMPLEX,
LEISUR AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2734
MIXED 1 AND 2 BEDROOM APARTMENTS (SITE AREA 28.902)
LAND AT LYTHAM QUAYS, DOCK ROAD, LYTHAM ST ANNES**

Thank you for referring the above application which was received on 6 October 2005. This is clearly a complex and significant planning proposal and I apologise for the delay in replying, and appreciate the extension to the consultation period, until 3 November 2005.

The Agency OBJECTS to the proposed development as submitted on the following grounds:-

The proposal as submitted is considered contrary to the following policies in the Fylde Borough Local Plan 1996-2006 (Adopted 19 May 2003) Plan:-

Policy EP17: Development Within Biological Heritage Sites
Policy EP18: Development Within Sites Containing Natural Features of Value
Policy EP19: Development Affecting Rare Or Endangered Species
Policy EP29: Development On Contaminated Land
Policy EP30: Development And Floodrisk

The Agency's objection to this outline scheme is primarily based on the works proposed with Phases 2 and 3 of the site, as identified in Figure 2.3 of the Environmental Statement (ES) produced by Atkins to accompany this application. However, we also have some concerns in relation to potential contamination effects within Phase 1 of the scheme. Our specific concerns to this scheme are identified below:-

Flood Risk

The proposed lock gates to impound Liggard Brook could significantly increase the flood risk upstream. In addition, the existing flood defences adjacent to Liggard Brook are not to the minimum standard set out in PPG25 (Development and Flood Risk), which is to protect from an annual probability of flooding of 0.5% or greater from the sea). The site is not, therefore, currently protected to an acceptable level.

Liggard Brook is designated main river. Therefore the proposed gates, and any other structure within 8 metres of the bank tops, require the prior consent of this Agency under Section 109 of the Water Resources Act 1991 or the Agency Byelaws. The Agency would be unable to consent the proposed gates unless it is clearly demonstrated that the flood risk elsewhere would not be increased.

Based on the ES as submitted, a flood risk assessment would appear to have been produced, and aspects of this are reflected in Chapter 11 (The Water Environment). However, the copy of the FRA is not included with the Appendices, and we are unable to verify whether or not it is acceptable.

Ecology

The development will result in the loss of part of Lytham Foreshore Dunes & Saltmarsh Biological Heritage Site. The development would also affect Habitats of Principal Importance (CRoW Act, 2000) /Priority habitats of the UK and Lancashire Biodiversity Action Plans.

The ES contains insufficient information to assess the full ecological impacts of the proposals. It does not adequately demonstrate that impacts on the statutory sites, CBHS and the habitats and species of conservation significance are unavoidable. Indeed, where it identifies environmental losses it does not adequately demonstrate that there will be sufficient compensation measures to ensure that there will be no net loss of biodiversity or priority habitats.

In light of this, the Agency objects to the proposed development on the following ecological grounds:-

Habitat Loss

The proposals will result in the loss of 0.8 ha of Mudflat, 0.5 ha Saltmarsh and 2 ha of grazing marsh. Coastal saltmarsh is a Priority Habitat under the UK Biodiversity Action Plan. We consider this to be an unacceptable loss of aquatic and wetland habitat. The lack of detail regarding the mitigation and composition within the ES for this habitat loss make it impossible to assess the impact of the development. We would expect nothing less than like for like habitat replacement, both in habitat type and area.

The issues of coastal squeeze is not adequately addressed within the ES. This is of particular relevance to compositional habitat area. DEFRA guidance on the composition for loss of salt marsh habitat is that for every 1ha lost, 2ha of new saltmarsh are created. This is to address future loss due to sea level rise and the resulting coastal squeeze. We feel that the planting of reedbeds along Liggard Brook will in no way compensate for the loss of the existing habitats.

We are also concerned that the habitat along Liggard Brook will be fragmented by the construction of the new access road and bridge. Habitat fragmentation is not adequately covered in the ES.

Water Voles

The ES does not adequately address our concerns regarding up-stream effects of the proposed impoundment of Liggard Brook. In our opinion, the impoundment will have an unavoidable impact on the up-stream habitats due to changes in the drainage regime. The catchment supports a significant population of Watervoles, a species protected under the Wildlife and Countryside Act, and a UK Biodiversity Plan priority species, which is reliant upon good marginal habitat. This development will modify the existing regime in a manner that is detrimental to the water vole population.

Ecology and water quality

The ES does not adequately deal with the issues relating to water quality and eutrophication and the risk of algal blooms (including blue greens). The proposed treatment (aeration) is inadequate and will not address the nutrient problem given the quality of the water flowing into the site. The area of reedbed will be totally inadequate to treat and remove nutrients from the system. Aeration will not affect the existing trophic status of the water, and in some cases will result in increased availability of nutrients.

Due to the development location adjacent to the Ribble Estuary, it is likely that there will be some small saline input to the system, possibly from groundwater flows. Even small changes in the salt levels with a freshwater system will directly impact upon the make up of the zooplankton community. This will suppress the more efficient grazing species in favour of copepods, resulting in increased algal numbers.

Effect on designated sites

The EA is still concerned regarding the down-stream impacts of the impoundment of Liggard Brook on the adjacent SSSI/SPA both during and after construction. Of greatest concern are the changes to the coastal processes in terms of sediment deposition. Natural silt and sediment movement from Liggard Brook will be stopped and this will impact on the adjacent designated sites. We feel that this issue was not adequately addressed in the ES. With respect to water quality (as discussed above), the likely eutrophication and algal blooms will result in negative effects on the adjacent SSSI/SPA, due to water quality and toxic effects. The

development will result in the loss of habitat contiguous with the SSSI/SPA, which will impact on the important bird populations.

Contaminated Land

We have no objection to the principle of re-developing these brownfield sites, and we acknowledge that a development of this nature would help to remediate several sites and help decrease a pollution load on local controlled waters and the ecological environment. However, based on the detail and content of the ES as prepared by Atkins (Chapter 7: Geotechnical & Land Remediation), it is our opinion that there is a need for further site investigation and interpretation, which we understand is also the understanding of the developers environmental consultant.

Planning Policy Statement 23: Planning & Pollution Control states that "if potential for contamination is confirmed, further studies by the intending developer to assess the risks and identify and appraise the options for remediation should be required". Chapter 7 of the ES establishes that there is a potential for the two licensed landfills within the boundary of the Phase 1 application to be producing both landfill gas and leachate which can affect the development and groundwater respectively. However, there has not been a further investigation to define the impact that these sites are actually having on the groundwater/surface water environment. This is circumvented by stating that it would be possible to prevent this pollution by installation of a barrier. The design, location or geotechnical specification of such a barrier is not included. Section 7.131 of the EIA states that this need further investigation and risk assessment, and we strongly concur.

Another significant issue that needs further investigation is the construction of the canalised waterways partly on top of the licensed landfills. Section 7.134 states that it would be possible to hydraulically separate the landfills and proposed waterways from the existing controlled water, and initially this may be possible. But we are of the opinion that over time (as occurs with pipe ways and culverts), the structures would become less watertight, and would eventually seep. This would allow the leaching of any contamination to begin again at a future date. We would prefer to see the removal of any contamination that could cause leachate to contaminate either groundwaters or surface waters. This would require selective investigation and remediation of some form, or removal, prior to development taking place.

Both the landfills are known to be generating landfill gas, and once the areas are covered it is accepted within the EIA that gases could accumulate to the extent that they could adversely affect the development. The proposed method of dealing with this is to install gas barriers within the structures of the development. This is suitable where development is proposed adjacent to a landfill, as theinbuilt precautions would be supplemented by a secondary barrier to prevent migration of the gas from the deposits. The secondary barrier is not possible when construction is directly upon the landfill, and in this respect we would expect the gassing source to be decreased in some way. As we have discussed before, this would possibly include sorting of the wastes or dig and dump. The former could also require planning permission, and waste management licensing. Based on this, we would suggest that the singular in built precautions as proposed may not be adequate in this case.

Section 7.16.1 states that 'a more definitive assessment for LFG impacts should be made on the basis of monitoring data from further investigations.' and section 14.2 states that the potential 'for further ground contamination on site that may require remediation prior to the site being developed'. We agree with this.

There have been no further investigations into the impact of either the derelict petrol station or the 1960's landfill to the north. The petrol station is of particular concern. A considerable number of supposedly 'safe' petrol stations have, in fact, left a legacy of leaking pipes, pumps, and contaminated soils around the storage tanks. We would strongly recommend that the suppositions made within the report are validated by further on site investigation, especially in respect of the close proximity of Liggard Brook. This was again recommended in the ES by Atkins (Section 7.83).

The potential for the Methanol contamination associated with the storage tank on the Dudley Industries site also needs further investigation and assessment, in respect of controlled waters and human health.

Para 2.17 of PPS23 Annex 2 identifies developers as being responsible for determining whether or not a piece of land is suitable for a particular development, and Para 2.33 of the same policy that states "that any existing or new unacceptable risks should be identified and proposals made to deal with them effectively as part of the development process". Based on these concerns we recommend further investigations of the potential

contamination sources on site to demonstrate that the proposed site is suitable for use prior to the determination of the application.

We have outlined the reasons for our objection to this proposal above and look forward to receiving further information that addresses these issues and comprehensively demonstrate that the proposed development will not be detrimental to the local environment.

If you decide to refuse the application in accordance with the Agency's objection, I wish to confirm that we will support your decision should an appeal ensue and provide an expert witness to appear at any subsequent planning inquiry or hearing.

Yours faithfully

IAN SOUTHWORTH
Planning Liaison Officer

CC: Kensington Developments

Item Number: 3

Application Reference: 05/0795	Type of Application: Full Planning Permission
Applicant: Mr K Ball	Agent : Croft Goode Partnership
Location: GORST FARM, LODGE LANE, ELSWICK, PRESTON	
Proposal: CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO WOOD FUELLED RENEWABLE ENERGY PLANT.	
Parish: Elswick	Area Team: Area Team 2
Weeks on Hand: 13	Case Officer: Mrs J Cary
Reason for Delay:	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application meets the Policy requirements in relation to Policies SP2, SP5, SP8, SP9 of the Local Plan, and would not result in a detriment to the residential amenities of nearby residential properties and is therefore considered acceptable. It is recommended that Members approve the application.

Reason for Reporting to Committee

Due to the large number of neighbour objections received, and the officer's recommendation of approval is contrary to the Parish Council's recommendation.

Site Description and Location

The site is Gorst Farm, Lodge Lane, Elswick. Access would be gained from Lodge Lane, into the rear of the site. The site is outside the limits of development and in the defined countryside area.

Details of Proposal

The application proposes the change of use of existing farm buildings, to facilitate a wood fuelled renewable energy plant. Timber would be brought onto the farm and burnt in an enclosed building, and the energy generated, sold to the 'national grid'.

The applicant has submitted information with regards to how the enterprise would operate. It is appended to this report for information. However, in simplistic terms, the timber would come from a local supplier in chipped form, which is then fed by conveyor into a processing unit, which thermally breaks down the wood into a lean composite gas. The gas is extracted and used to generate electricity. This cycle is carbon neutral, in that the growing wood has consumed from the atmosphere equal, or more, carbon dioxide in growing that it releases during the energy generation process. Approximately 97% of the input wood is converted to gas, the remaining <3% is converted to an inert

char/ash that can be used as a slow release fertiliser, or other industrial processes. The electrical energy generated is exported to the local grid and is purchased by green energy trading companies. Some of the thermal head produced is utilised in drying the wood.

Relevant Planning History

Application No	Development	Decision	Date
04/0241	PROPOSED NEW ACCESS	Withdrawn by Applicant	12/08/2004
04/1195	RESUBMISSION OF APPLICATION 04/241 FOR NEW ACCESS.	Granted	17/01/2005
90/0063	REINFORCED CONCRETE SLURRY STORE	Granted	28/03/1990
97/0661	EXTENSION TO EXISTING AGRICULTURAL BUILDING	Granted	05/11/1997

Parish Council Observations

Elswick Parish Council

Object to the application.

Members of Elswick Parish Council UNANIMOUSLY RECOMMEND REFUSAL and ask for the following observations to be considered in reaching this decision.

1. There is an immediate environmental concern because the proposed development is in a rural area immediately adjacent to residential properties.
2. Concern about noise levels &om its operation.
3. Increased traffic density and especially the impact of heavy lorry convoys supplying the plant and their effect upon the roads in the village of Elswick.
4. Access difficulties to the site for HGV's.
5. Pollution levels?
6. Safety hazards - there have been explosions of such plants elsewhere.
7. There are too many unanswered long term questions which need addressing!

We request that this application is not delegated to Officers decision for approval but either rejected at his stage or sent to committee for consideration thus allowing wider consultation and discussion.

Please note that this is now an emotive issue in the village and seven (7) nearby residents attended the monthly council meeting to express their concerns to the elected members. The Community Beat Manager (POLICE) also waived his first slot on the agenda to listen to the item with special interest to the heavy lorry/traffic dimension on rural access roads.

I await your earliest convenient reply,

Statutory Consultees

County Highway Authority – (observations on original plans.)

The internal highway layout is insufficient to support an operation, which utilises vehicles of the size shown. These vehicles have no turning facility and will be forced to reverse onto Lodge Lane.

There is land available to provide a turning area and I would need to see details. For example if the water tank is below ground level there may be scope for a turning circle I this area. Alternatively land to the east of the buildings could be made available to turn the vehicles around.

If the applicant sends amended drawings I will reconsider my comments.

Officer note: the original plans showed the siting of a pantecnic servicing the site, and the highway's authority's' comments are based upon this. Having addressed this issue, the applicant has confirmed that they only intend to use a tractor and trailer to service the site and on that basis, have sufficient space for turning facilities. The highway authority responded on the basis that whilst this area would be sufficient to service a tractor and trailer, no condition could control the size of vehicles delivering to the premises. As such, amended plans have now been received showing sufficient turning area of which the highway authority have stated that **the revisions are acceptable.**

Consumer Wellbeing and Protection

Following the submission of additional information relating to the processing of timber prior combustion, there are no objections to the proposal.

Observations of Other Interested Parties

None.

Neighbour Observations

32 letters of objection have been received in relation to the proposal. The majority are an identical standard letter, but signed by separate individuals, and some individual letters are repeated. The objections can be summarised as follows:

1. High levels of noise from machinery
2. Fumes and pollution
3. Increase in heavy traffic on unsuitable roads
4. Should not be in redundant farm buildings near family houses
5. Drainage problems
6. Not appropriate in countryside area
7. Detrimental to visual amenity
8. Storage of gas on site

Relevant Planning Policy

Lancashire Structure Plan:

Policy 5,
Policy 25

Fylde Borough Local Plan:

Policies SP2, SP5, SP8, SP9

Other Relevant Policy:

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPG22: Renewable Energy

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

In terms of the policy context, Policy SP5 of the Fylde Borough Local Plan permits the use of rural buildings to alternative business uses, subject to certain criteria being met. The main building which is to house the plant is an existing building measuring 10m by 15m. The smaller building would house the generator and fuel hopper, with an open wood storage bay adjacent. The proposal meets the requirements of Policy SP5.

Policy SP8 allows for the reasonable expansion of existing businesses and commercial operations, again, provided that certain criteria are met. Criteria 1, requires that the development in general terms would have no significant harmful impact on the character, appearance or nature conservation value of the countryside. The operation will take place in an enclosed, existing building and would not therefore impact upon the character or appearance or nature conservation value of the countryside. Criteria 2 requires that the development would not represent a major increase in the developed portion of the site, which it doesn't, given that it is within the confines of existing built development. Criteria 3 requires that the height of any proposed buildings would not exceed the height of existing buildings in the vicinity of the proposed development. There are no proposed buildings as part of the application, merely, utilising existing buildings and structures. Finally, Criteria 4 requires that within sites contained land of open character, the development lies within the developed part of the site. Again, the proposal complies with this.

Policy SP9 relates to the diversification of the rural economy and allows for small-scale industrial and commercial enterprises involving the construction of new buildings, will be permitted, again, subject to criteria being met. On farms, the proposed use must be ancillary to the main farming enterprise, or has a special affinity with the countryside and in any case is appropriate to a farm location. The proposal is to be ancillary to the main farming enterprise, and it is the applicants intention to grow the coppice on the farm at a later date, therefore, falling within the definition of agriculture. Again, the proposal is contained within the confines of existing built development, would provide for adequate vehicular access, parking etc, and would not adversely affect the amenities of nearby residents or prejudice the character of existing buildings or the surrounding area.

National planning guidance in the form of PPG22 'Renewable Energy', states that the Government's general aims in respect of energy-generating installations, are to 'ensure that society's needs for energy are satisfied, consistent with protecting the local and global environment....' It also goes on to state that renewable energy sources can provide significant benefits for the rural economy and particularly energy from waste combustion is particularly beneficial as most of the energy in the waste can be put to good use and the improvement in energy efficiency leads to a corresponding reduction in emissions.

A large number of objections have been received from neighbouring properties on the grounds that it is inappropriate in a countryside area, however, given that the proposal is to utilise existing agricultural buildings, there would be no appreciable, visual difference from how the buildings appear now. With regards to vehicular movements, the amount of waste produced will obviously depend upon the size of the buildings utilised. It is not considered therefore, that there would be a significant increase in vehicular movements as a result of the proposal, given that there would have been a fairly large number of vehicular movements should the site be used for its full potential for agricultural purposes. Issues such as fumes, pollution and noise, this is covered under Part I of the Environmental Protection Act 1990, which introduced new powers to control pollution from processes in respect of the burning of waste for power generation. Any potential problems would therefore be addressed under this legislation.

Conclusions

It is your officers opinion that the application as proposed is an appropriate form of development in a countryside area. It utilises existing agricultural buildings, it provides a diversification of the farming enterprise and also provides for a small scale commercial enterprise in this rural area. In addition,

Government Policy is to encourage renewable energy project, thereby reducing the potential greenhouse emissions, provided that there is no detrimental impact on neighbouring properties or on the wider countryside area. The application is therefore, recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 5 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Prior to the use hereby approved first becoming operational, the internal access road and turning area as shown on the approved plans, shall be laid out in accordance with the approved plans. It shall thereafter be retained in its approved form, for the duration of the operation of the hereby approved use.

To ensure that vehicles enter and leave the site in forward gear.

3. Prior to the commencement of development, full details of the flue shall be submitted to and approved by the Local Planning Authority. The flue shall be installed in its approved form and shall, thereafter, be retained in its approved form.

In the interests of visual amenity.

4. This consent relates to the revised plan[s] received by the Local Planning Authority on the 30/9/05.

For the avoidance of doubt and as agreed with the applicant / agent.

5. The use hereby approval shall be restricted to that of a wood fuelled renewable energy plant and not for any other use falling within Class B2, or B1 of the Use Classes Order 1987, or any subsequent Order revoking or Superseding it.

Any other use would require further consideration by the Local Planning Authority.

6. There shall be no chipping or chopping of the wood on site.

In the interests of residential amenity and would require further consideration by the Local Planning Authority in relation to potential noise disturbance.

7. **REASON FOR APPROVAL**

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

8. **SUMMARY OF RELEVANT POLICIES**

This decision has been made having regard to:
the policies contained within the adopted Development Plan which
comprises of the:

The Fylde Borough Local Plan.

The Joint Lancashire Structure Plan.

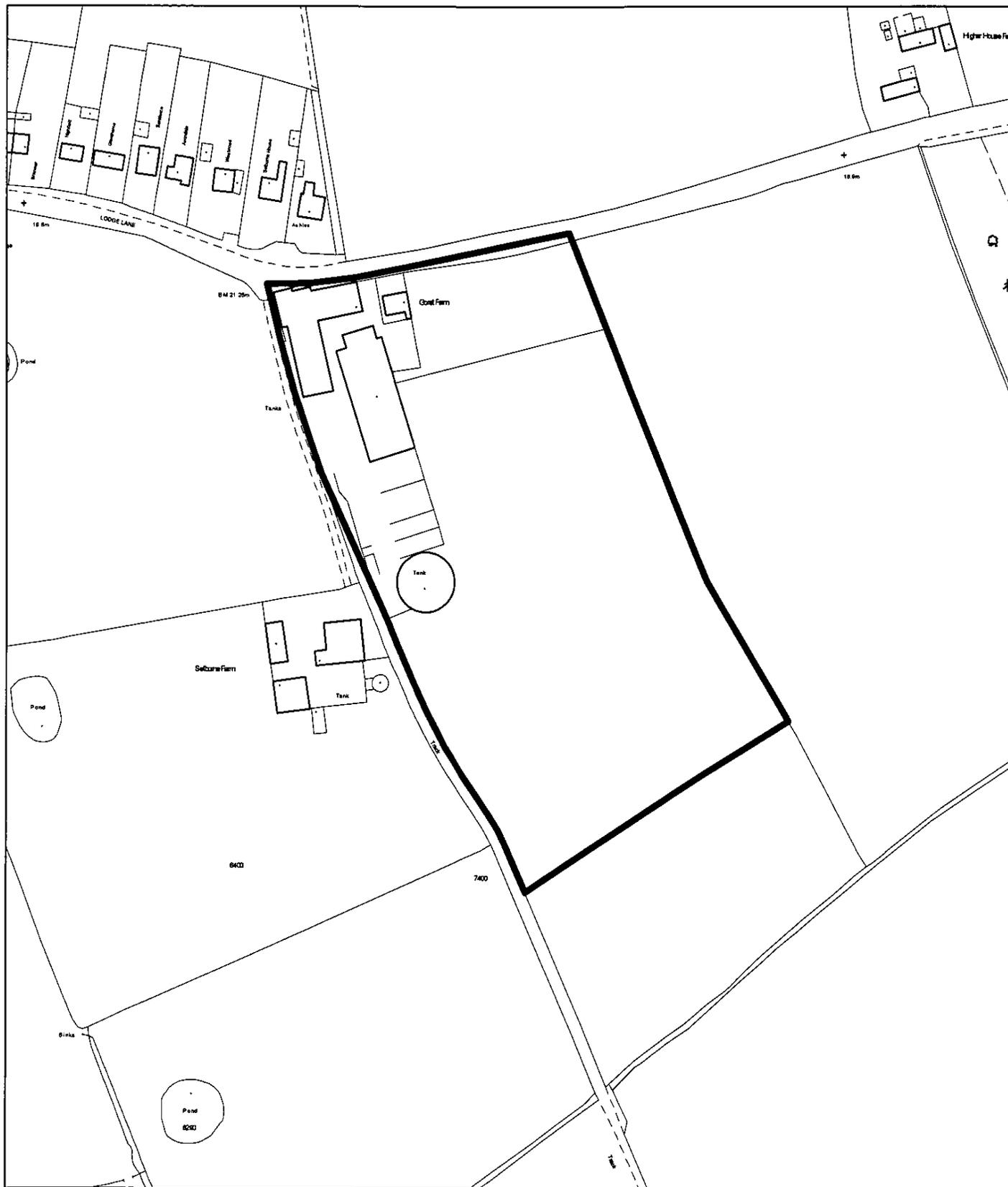
and all other relevant planning guidance

and in particular Policies:

Fylde Borough Local Plan: SP2, SP5, SP9

Joint Lancashire Structure Plan: Policy 1

PPG's/PPS's: PPS, PPS7, PPG22



<p>D I Wilkinson - Business Manager The Built Environment Unit Fylde Borough Council</p>		<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</p>		
<p>Application No. 5/05/0795</p>	<p>Address Gorst Farm Lodge Lane, Elswick</p>	<p>Grid Ref. E.3427 : N.4381</p>	<p>Scale N.T.S.</p>	<p>Item No. 3</p>

Item Number: 4

Application Reference: 05/0873	Type of Application: Full Planning Permission
Applicant: Mr C Gornall	Agent : PGB Architectural Services Ltd
Location: CHAPEL FARM, COPP LANE, ELSWICK, PRESTON	
Proposal: PROPOSED BUSINESS UNIT ON SITE OF DEMOLISHED LISTED CRUCK FRAMED BUILDING	
Parish: Elswick	Area Team: Area Team 1
Weeks on Hand: 8	Case Officer: Mrs J Cary
Reason for Delay:	

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The main issues in relation to this application is whether the replacement building, in lieu of an existing listed building, is acceptable, having regard to Policy EP5 of the Local Plan and PPG15. The application for listed building consent is a material consideration in the determination of this application. Officers are of the opinion that the applicant has not adequately demonstrated the loss of the listed building, and in those circumstances, a replacement building is unacceptable in those circumstances. The proposal is therefore contrary to the requirements of Policy EP5 and PPG15.. Members are therefore recommended to refuse the application.

Reason for Reporting to Committee

The application is on the agenda at the request of the Business Unit Manager.

Site Description and Location

The site is Chapel Farm, located on the corner of Copp Lane and Beech Road, Elswick. It is a listed building, which has been in situ for several hundred years. It occupies a prominent corner location within the Village of Elswick. It is within the farmstead of Chapel Farm, and is currently in use for ancillary storage in connection with the farm.

Details of Proposal

This application is for the erection of a replacement building on the same foot print as the existing listed building. The building would measure 13.4m by 5.58m, with an eaves and ridge height of 3.15m and 5.66m respectively. the building is for a speculative B1 use, but with no end user. 3 car parking spaces are provided within the development, together with improved visibility over and above that which exists at present. The listed building consent application is also on this agenda.

Relevant Planning History

Application No	Development	Decision	Date
03/0077	PROPOSED DOUBLE GARAGE WITH OFFICE ABOVE	Granted	21/03/2003
05/0874	LISTED BUILDING CONSENT TO DEMOLISH CRUCK FRAMED BUILDING	current appn	

Parish Council Observations

Elswick Parish Council - object to the application on the following grounds:

The Council are concerned that the application depends upon the demolition of the oldest building in the village. It is noted that the demolition of the existing listed building is subject to a separate listed building application 5/2005/0874.

The Council considers this building to be significantly important in terms of its contribution to the character of the village and have no wish to support the proposed demolition of a listed building to facilitate a new structure.

The Council notes that the proposal is to build on the footprint of the existing building. The proposed building differs in terms of proportion owing to the increase in height. The Council consider that any attempt to assimilate the existing building will inevitably fail to replace its character and historical value.

The Council are concerned that the application is for the replacement rather than the repair and sensitive conversion of the existing building. The repair and conversion of the existing building would assist in guaranteeing the retention of the building and maintain its inherent historical fabric and character.

It is unlikely that those employed in the proposed building would live within walking distance of the site and there appears to be inadequate parking provision to accommodate the six employees stated on the application form.

There is no guarantee that the proposed replacement building would be erected. This application should therefore not be a consideration in determining whether the existing listed building should be demolished.

For the above reasons Elswick Parish Council object to the proposed demolition and replacement of the listed building.

Statutory Consultees

English Heritage - (first response prior to site meeting).

Thank you for your letter of 27 September 2005 notifying English Heritage of the above application. This is a particularly important application as it relates to a building constructed of clat and clay and its demolition would be highly regrettable.

Summary

Clat and clay buildings of this age are rare survivals of a local vernacular tradition of buildings which

are characteristic of parts of the north-west of England. It is usually employed in association with a similarly rare cruck frame as is the case here. The survival of clat and clay buildings depends in no small measure on the chief building material remaining dry. This dryness depends on both an adequate cobble base, and a roof with wide eaves.

English Heritage Advice

The barn proposed for demolition is in a poor structural condition but we would question both the reasons for this failure and the necessity for demolition. The building is currently in use as an agricultural store and is therefore useable despite its current condition. However this condition is rapidly worsening as a result of a poor maintenance regime, and especially the storm damage to the roof of January 2005. This is presumably not only allowing additional water ingress to the walls, including the internal surfaces, but allowing further damage to the roof and walls by wind pressure. We have requested one of our structural engineers to inspect the property and I regret that this is not possible until November 7. We would hope that a method of repair may be able to be found to ensure retention of the structure and I shall write again following our engineers inspection as discussed.

Recommendation

In the meantime, if this is to go to Committee for a decision, I would point to the need for a statement of justification for the demolition of this barn to allow a proper assessment of the application. Whilst we are in receipt of a report by the applicant's structural engineer this does not remove the need for a proper PPG 15 Statement of Justification and I am pleased to note the engineers recommendation that "advice from heritage experts will need to be sought."

It would seem from the evidence supplied that this barn has been allowed to fall into its current state of disrepair over a number of years and, pending discussions with the applicant, we would accordingly advise your authority to issue a repair notice under section 54 of the Planning Act to take action to secure the future of this important building. The applicant's report states that current structural support is inadequate. Your authority might like to consider what actions have been taken by the applicant to ensure that support is adequate, how deterioration of the fabric generally has been addressed, and why storm damage was not repaired immediately.

If, following the receipt of a adequate PPG 15 Statement and the advice of our structural engineer, the case is made for demolition I would point to the necessity for recording of the building as a condition of that consent as per. section 3.22 of PPG 15. This will need to be handled with particular expertise given that the special interest of the building resides largely in its method, and materials, of construction. English Heritage will be pleased to offer advice should this be necessary. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Additional comments following site visit:

Thank you for your letter of 27 September 2005 notifying English Heritage of the above application. Further to my earlier letters of 19 October, and November 4, and following our site visit of Monday 7th November I am writing with further advice.

Summary

The current building has clearly not been adequately maintained for a considerable period of time. As I commented previously this is an important and rare survival of a clay and clat building of cruck frame construction. It is currently in a poor condition but, following the advice of our specialist engineer, capable of economic repair. In addition to this application for Listed Building Consent we

are now aware that there is also an application for a new business unit on the site which seeks to replicate the current footprint, and possibly incorporate elements of the existing building should Listed Building Consent be granted for its demolition.

English Heritage Advice

Immediate steps should be taken to secure the integrity of the current building to avoid further collapse and specialist advice commissioned. As discussed on site this should include provision of a new temporary roof, adequate propping of existing walls, and may include limited taking down of the apex of the gable end. Materials taken down should be carefully stored for re-use, and particular care should be taken over the removal and safe dry storage of the now collapsed section of clay and clat walling material. The surviving original cruck blades should remain in their current position although other later elements of the surviving roof may be removed.

Recommendation

As the building is capable of economic repair, and, with suitable professional advice, capable of sympathetic conversion to others uses (such as the business use desired by the applicant) we would recommend that the building is repaired and a new use sought if its use as a barn is no longer needed. Any such repair should, following specialist advice, seek to leave the crucks in place and rebuild the collapsed section of wall with the original retained materials as far as possible. Local historic precedents should be able to establish what sort of new roof covering would be most appropriate but, as discussed, this may well be either thatch or clay tile. Given its prominent location in Elswick I am confident that, following repair and possible conversion, the building will once again give a positive image to the character of the village. Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

LCC Archaeological Unit -

Thank you for your consultation. The barn at Chapel Farm is a Grade II Listed Building, probably dating to the 17th century. This building is a rare survival, with only around 40 such structures still to be found in Lancashire.

The planning application's accompanying structural inspection report shows the barn is in a poor state of repair, but some of this would appear to be due to the fact that the barn has suffered from neglect over a long period, with little obvious attempts to prevent the deterioration of the structure.

The Fylde Adopted Local Plan Policy EP5 does however state that demolition will not be permitted unless it has been demonstrated that:

the building is wholly beyond repair or its demolition and redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from the demolition. It is the LCAS' opinion that the applicant has failed to demonstrate that the building is wholly beyond repair, and that some of the hazardous nature of the building could be addressed by means of the measures such as a new roof covering and props to the walls.

Given the rarity of this type of building within the County, the LCAS would prefer to see a more thorough consideration of whether the main structural elements and surviving original wall fabric could be retained within a repaired/refurbished structure rather than merely resorting to demolition, and would therefore recommend the applicant provide a more detailed and costed appraisal of this option. It should not be forgotten that the Listing of this building is a recognition of its national importance. In the meantime we would recommend that the applicant also be requested to implement emergency repairs (such as a roof covering and props to the walls), whilst this option is investigated. However should the Local Planning Authority be minded to grant planning permission

for the demolition of this Listed Building, the LCAS would recommend that the building be the subject of a detailed record prior to demolition. and that such work should be secured by means of the following condition:

No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site. Specifications and a list of professionally qualified archaeological/building recording consultants and organisations that could carry out appropriate archaeological works can be obtained from the Lancashire Archaeology Service.

Lancashire County Council
Environment Directorate
Guild House
PO Box 9
Cross Street
PRESTON PR1 BRD
tel. 01772 531734
fax 01772 533423

In this instance we would wish to see a detailed drawn record of all surviving elements of the timber frame, and a floor plan as well as a comprehensive photographic record. Should it not prove possible to record the timbers in situ they should be carefully dismantled and recorded before being removed from site. Given that the proposals would require the destruction of the building, the LCAS would also wish to see a series of dendrochronology dates to be taken in order to ascertain a more accurate date for the building's construction. If you need any more information or would like to discuss this further please do not hesitate to contact me.

LCC Highway Authority -

Business use in a residential area or an area outside defined business and industrial areas would appear contrary to Fylde's Local Plan. I am a little concerned about this application because of the traffic implications. Theoretically in accordance with the parking standards, 3 spaces would be appropriate for the business but the application form refers to 6 possible members of staff.

Beech Road, Copp Lane and Ash Road are not locations where I would wish to encourage parking, and business use here would undoubtedly attract this, since there are no other parking facilities and public transport is limited. In essence although it is not a large site employing large numbers of people the proposal contravenes Policy EMP3 points 2 & 3 in the Fylde Borough Council Local Plan. If your committee see fit to approve this application, the access also requires amending as visibility is limited by the hedge to the west of the access. This should be removed to provide maximum splay possible, probably 60 metres which is acceptable but is limited by the gable wall of the Boot and Shoe Inn.

Officer note: the plans have now been amended to incorporate the above comments. The Highway Officer is now satisfied.

Observations of Other Interested Parties

Neighbour Observations

3 letters of observation on the grounds that the owner of the listed building has not maintained it and has for the last 10 months allowed it to stay with no roof. With regards to the replacement building,

raise concerns with regards to the level of car parking and that it should be increased.

Relevant Planning Policy

Lancashire Structure Plan: Policy 21

Fylde Borough Local Plan: Policy SP1, EP5, EMP3

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPG4: Industrial and commercial development and small firms

PPG15: Planning and the Historic Environment

Site Constraints: listed building

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issue is whether the proposed building meets the requirements of PPG15 and EP4 of the Local Plan in respect of the loss of the listed building and whether the proposal provides for substantial benefits for the community which would decisively outweigh the loss resulting from the demolition. In addition, Policy EMP3 is relevant in the form of new business use outside the defined industrial areas.

The main issues in relation to the proposed demolition of the listed building are dealt within under planning application ref. no. 05/0874. On that application, Officers are of the opinion that the applicant has not put forward sufficient evidence to substantiate that the building should be demolished. On that basis, any redevelopment proposal is material in this instance. As required both by Policy EP5 and PPG15, the applicant has not demonstrated that 1) every possible effort has been made to continue the present use, 2) no suitable alternative use for the building been put forward, and 3), the building is wholly beyond repair or its demolition and redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from the demolition. On that basis, the proposed redevelopment fails to comply with Policy EP5 or PPG15.

Had the issue of the loss of the listed building, not been an issue, the proposal would be appropriate in relation to Policy EMP3 in relation to new business uses outside the defined business areas. The building is proposed to be for a B1 use, with access to the frontage of the site and utilising the existing vehicular access. Amendments have been carried out to the parking arrangement and access in order to address some points made by the Highway Authority.

However, these are insufficient to outweigh the presumption against development, due to the loss of the listed building.

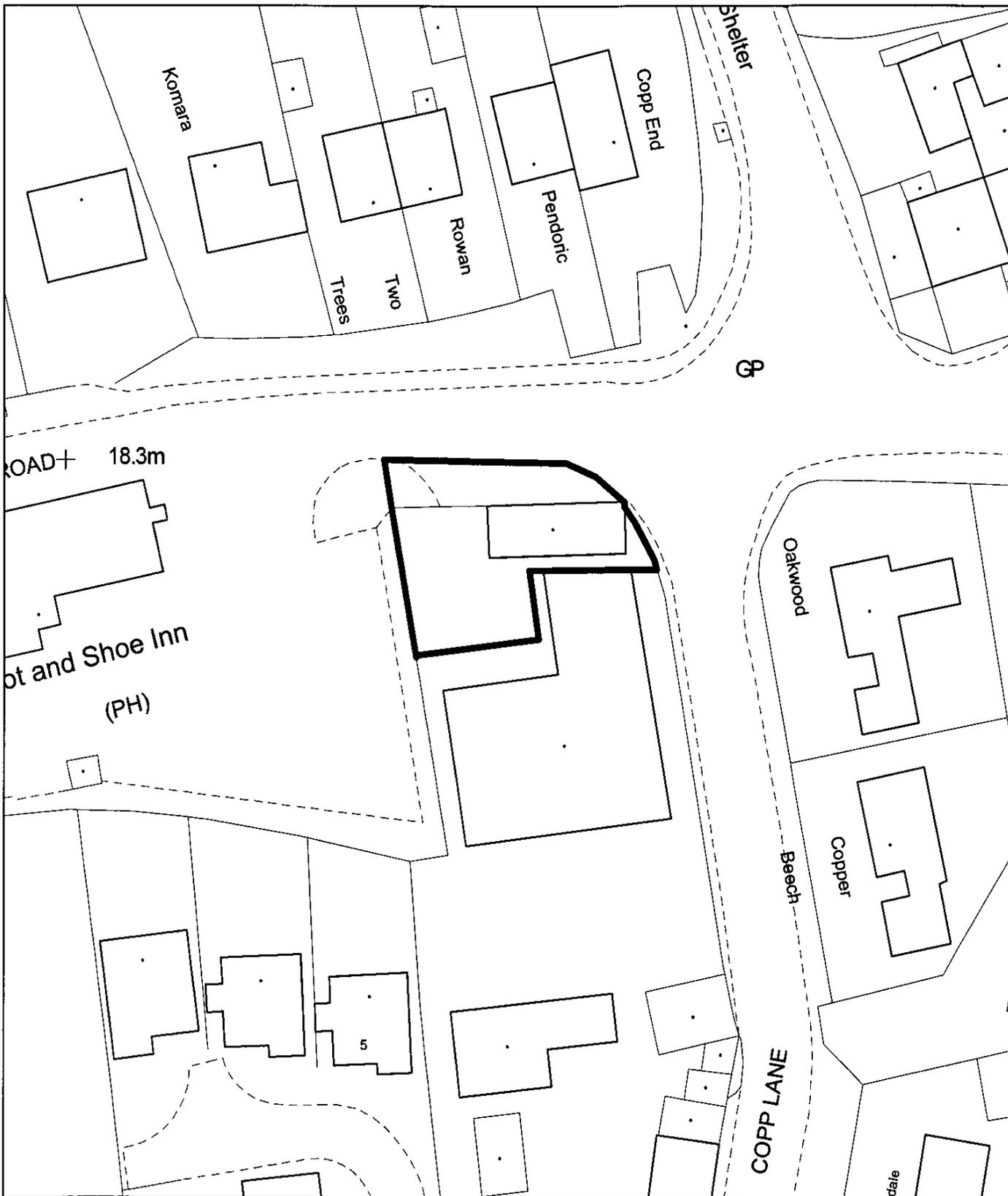
Conclusions

The proposed development fails to comply with the requirements of Policy EP5 and PPG15 and is therefore recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The applicant has failed to demonstrate that the listed building in its current condition is beyond economic repair/use, that adequate efforts have been made to retain the building in an appropriate use and that the merits of this current proposal for the site would bring substantial benefits for the community which would outweigh the loss of the listed building. As such the application fails to comply with the requirements of Policy EP5 of the Fylde Borough Local Plan, Policy 21 of the Joint Lancashire Structure Plan and PPG15.



<p>D I Wilkinson - Business Manager The Built Environment Unit Fylde Borough Council</p>		<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.</p>		
<p>Application No. 5/05/0873 & 0874</p>	<p>Address Chapel Farm Copp Lane, Elswick</p>	<p>Grid Ref. E.3421 : N.4385</p>	<p>Scale N.T.S.</p>	<p>Item No. 4 & 5</p>

Item Number: 5

Application Reference: 05/0874	Type of Application: Listed Building Consent
Applicant: Mr C Gornall	Agent : PGB Architectural Services Ltd
Location: CHAPEL FARM, COPP LANE, ELSWICK, PRESTON	
Proposal: LISTED BUILDING CONSENT TO DEMOLISH CRUCK FRAMED BUILDING	
Parish: Elswick	Area Team: Area Team 2
Weeks on Hand: 8	Case Officer: Mrs J Cary
Reason for Delay:	

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The main issues in relation to this application is whether this listed building in its current condition is worthy of preservation and retention, and whether it is beyond economic repair, that justifies its loss. Following advise from English Heritage, the view is that the building could be repaired and an appropriate use be found. No specialist evidence has been put forward that justifies its demolition. Members are there recommended to refuse the application.

Reason for Reporting to Committee

The application is on the agenda at the request of the Business Unit Manager.

Site Description and Location

The site is Chapel Farm, located on the corner of Copp Lane and Beech Road, Elswick. It is a listed building, which has been in situ for several hundred years. It occupies a prominent corner location within the Village of Elswick. It is within the farmstead of Chapel Farm, and is currently in use for ancillary storage in connection with the farm.

Details of Proposal

This application is for listed building consent to completely demolish the building. (A separate application is on the Agenda for a replacement building).

The barn is a cruck-framed barn, constructed around the 17th Century. It is of cobble, clat-and-clay and brick walls, and until recent, had a corrugated sheet roof. The building is in a poor state of disrepair, with walls being out of alignment, the majority of the roof having been blown off, and very recently, the clat-and-clay wall has fallen down.

Whilst a separate application, the proposed replacement building would be on the same footprint as the existing building, and would effectively be a single storey building, but with some first floor accommodation. The proposed use is for B1.

Relevant Planning History

Application No	Development	Decision	Date
03/0077	PROPOSED DOUBLE GARAGE WITH OFFICE ABOVE	Granted	21/03/2003
05/0873	PROPOSED BUSINESS UNIT ON SITE OF DEMOLISHED LISTED CRUCK FRAMED BUILDING		

Parish Council Observations

Elswick Parish Council - Object to the application on the following grounds:

The Council are concerned that the application relates to the demolition of the oldest building in the village.

The Council have previously expressed their concerns over the condition of this building to the Borough Council.

The Structural report submitted as part of the application states that the building may be structurally hazardous in its present condition. The report was prepared in January 2005 and the building has now stood in that condition for some nine months without suffering further deterioration. There is legislation to allow for emergency repairs to be carried out to the building if there is the danger of further damage by the elements. The Council is concerned that no steps have been implemented to repair the building in the meantime. Legislation exists to ensure that listed buildings such as this are protected from deterioration and there is no reason for allowing the building to remain in the present condition or to deteriorate further. The listing of buildings would become meaningless if owners are permitted to allow a building to fall into dereliction and then use that fact to facilitate demolition.

Ownership of a listed building entails a responsibility to maintain the building for the benefit of the wider community and subsequent generations. It should be further noted that the vertical crack in the clay and clat wall facing Beech Road has been present for many years. The Council considers this building to be significantly important in terms of its contribution to the character of the village and have no wish to support the proposed demolition.

For the above reasons Elswick Parish Council object to the proposed demolition of the listed building.

Statutory Consultees

English Heritage - (first response prior to site meeting).

Thank you for your letter of 27 September 2005 notifying English Heritage of the above application. This is a particularly important application as it relates to a building constructed of clat and clay and its demolition would be highly regrettably.

Summary

Clay and clay buildings of this age are rare survivals of a local vernacular tradition of buildings which are characteristic of parts of the north-west of England. It is usually employed in association with a similarly rare cruck frame as is the case here. The survival of clat and clay buildings depends in no small measure on the chief building material remaining dry. This dryness depends on both an adequate cobble base, and a roof with wide eaves.

English Heritage Advice

The barn proposed for demolition is in a poor structural condition but we would question both the reasons for this failure and the necessity for demolition. The building is currently in use as an agricultural store and is therefore useable despite its current condition. However this condition is rapidly worsening as a result of a poor maintenance regime, and especially the storm damage to the roof of January 2005. This is presumably not only allowing additional water ingress to the walls, including the internal surfaces, but allowing further damage to the roof and walls by wind pressure. We have requested one of our structural engineers to inspect the property and I regret that this is not possible until November 7. We would hope that a method of repair may be able to be found to ensure retention of the structure and I shall write again following our engineers inspection as discussed.

Recommendation

In the meantime, if this is to go to Committee for a decision, I would point to the need for a statement of justification for the demolition of this barn to allow a proper assessment of the application. Whilst we are in receipt of a report by the applicant's structural engineer this does not remove the need for a proper PPG 15 Statement of Justification and I am pleased to note the engineers recommendation that "advice from heritage experts will need to be sought."

It would seem from the evidence supplied that this barn has been allowed to fall into its current state of disrepair over a number of years and, pending discussions with the applicant, we would accordingly advise your authority to issue a repair notice under section 54 of the Planning Act to take action to secure the future of this important building. The applicant's report states that current structural support is inadequate. Your authority might like to consider what actions have been taken by the applicant to ensure that support is adequate, how deterioration of the fabric generally has been addressed, and why storm damage was not repaired immediately.

If, following the receipt of a adequate PPG 15 Statement and the advice of our structural engineer, the case is made for demolition I would point to the necessity for recording of the building as a condition of that consent as per. section 3.22 of PPG 15. This will need to be handled with particular expertise given that the special interest of the building resides largely in its method, and materials, of construction. English Heritage will be pleased to offer advice should this be necessary. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Additional comments following site visit:

Thank you for your letter of 27 September 2005 notifying English Heritage of the above application. Further to my earlier letters of 19 October, and November 4, and following our site visit of Monday 7th November I am writing with further advice.

Summary

The current building has clearly not been adequately maintained for a considerable period of time. As I commented previously this is an important and rare survival of a clay and clat building of cruck

frame construction. It is currently in a poor condition but, following the advice of our specialist engineer, capable of economic repair. In addition to this application for Listed Building Consent we are now aware that there is also an application for a new business unit on the site which seeks to replicate the current footprint, and possibly incorporate elements of the existing building should Listed Building Consent be granted for its demolition.

English Heritage Advice

Immediate steps should be taken to secure the integrity of the current building to avoid further collapse and specialist advice commissioned. As discussed on site this should include provision of a new temporary roof, adequate propping of existing walls, and may include limited taking down of the apex of the gable end. Materials taken down should be carefully stored for re-use, and particular care should be taken over the removal and safe dry storage of the now collapsed section of clay and clat walling material. The surviving original cruck blades should remain in their current position although other later elements of the surviving roof may be removed.

Recommendation

As the building is capable of economic repair, and, with suitable professional advice, capable of sympathetic conversion to others uses (such as the business use desired by the applicant) we would recommend that the building is repaired and a new use sought if its use as a barn is no longer needed. Any such repair should, following specialist advice, seek to leave the crucks in place and rebuild the collapsed section of wall with the original retained materials as far as possible. Local historic precedents should be able to establish what sort of new roof covering would be most appropriate but, as discussed, this may well be either thatch or clay tile. Given its prominent location in Elswick I am confident that, following repair and possible conversion, the building will once again give a positive image to the character of the village. Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Society for the Protection of Ancient Buildings -

Thank you for sending a copy of the listed building consent application to demolish the cruck-framed building at Chapel Farm, Elswick. We have now been able to make a visit to the site to inspect the building from the outside and have also received some digital photographs of the interior from the agent. This information has been very useful in helping us to reach a decision. Having studied all the information available we feel that we must object strongly to the application for listed building consent to demolish this Grade II listed building, as we believe that insufficient justification has been put forward in support of this application. Indeed we would note that it is most unfortunate that this structure has decayed to its current condition in the first place. A comparison between the current photographs and the photograph of the barn taken in June 2000 (available on the Images of England website) shows that the building has deteriorated quite significantly in a fairly short space of time. It is also regrettable that the roof covering was not replaced, even with a tarpaulin, after the January storm damage occurred, as it seems that a considerable part of the upper portion of the clat-and-clay walling has been lost since the beginning of the year.

Whilst we accept that there are a number of structural issues with regard to the condition of the barn we do not believe that it is beyond economic repair. Although the cruck frames do not survive in their entirety it is surely possible to repair the remaining historic fabric and strengthen the frames with new timbers as necessary. Likewise, given that the overall condition of the brickwork is reasonable, it would seem to be feasible to tie the remaining lengths of brick and cobble walling back together. Have these possibilities been fully explored by an engineer with an understanding of the repair of historic structures? On the other hand the condition of the remaining clat-and-clay section is certainly questionable and we would acknowledge the fact that it is both cracked and out of plumb. However, it should be possible to take down this section of wall and rebuild it - either by using new materials or

recycling the existing fabric after the appropriate archaeological recording has been completed.

Council for British Archaeology -

Thank you for consulting the Council for British Archaeology on this listed building application which seeks consent for total demolition. We understand we are still in time to comment.

We have been unable in the allotted response time to make a site visit, but the photographs and information sent do show a building in very poor repair. If after due deliberation and consultation with SP AB your Authority decides that the cruck framed building is irreparable, we advise that a recording condition is imposed with the consent. See PPG 15 paras 3.23 and 3.24. This is because, as you doubtless know, a cruck frame holds much information within its timbers, as will the remaining fabric. This will enable the origins and development of the structure to be elucidated. We do not have any objections in principle to salvage of historic fabric for reuse in the circumstances.

Observations of Other Interested Parties

N/A

Neighbour Observations

3 letters of observation on the grounds that the owner of the listed building has not maintained it and has for the last 10 months allowed it to stay with no roof. With regards to the replacement building, raise concerns with regards to the level of car parking and that it should be increased.

Relevant Planning Policy

Lancashire Structure Plan: Policy 21

Fylde Borough Local Plan: SP1, EP5

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPG15: Planning and the Historic Environment

Site Constraints: listed building

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

In determining applications for the demolition of listed buildings, there are a number of general considerations set out in PPG15, which Local Authorities are required to have regard to:

1. The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
2. The adequacy of efforts made to retain the building in use. The Secretary of State would not expect listed building consent to be granted for demolition unless the authority is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building.

3. The merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may be very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation.

The structural integrity of the building has been in question for some time now, having regard to the bulging and the out of alignment of the walls, together with the loss of part of the roof structure. In addition, given the location of the building in close proximity to the highway, the issue of a 'dangerous structure' has been addressed by the Principal Building Control Officer and interim measures have been carried out by the applicant on the advise of the Building Control Officer to remedy the dangerous element of the building. However, it has to be noted that the building has been deteriorating over a number of years, and there appears to have been little attempt to repair the building, although temporary attempts have been made by the applicant to stabilise the building in the form of supporting props, and straps to the roof. Owners of listed buildings have a statutory obligation to keep listed buildings in good order, failure to do so, can result in a repairs notice being served by the Council on the owner, requiring certain works to be carried out.

A structural survey has also been carried out on behalf of the applicant, which states that the building is in a hazardous state due to a combination of the fragility of the fabrics of the walls and roof, the out of verticality of the elevations, the lack of lateral restraint to walls due to the openings at corners and exposure risk to wind gusts at the opening in the roof canopy. In conclusion, the applicant's structural surveyor advises to demolish the entire building at an early date and consider salvaging the historic cruck trusses and a section of the clat and clay wall fragment.

Guidance on this type of application is given in both PPG15 and Policy EP5 of the Fylde Borough Local Plan, which also follows the thrust of PPG15.

However, having regard to the advise in PPG15, the Planning and Listed Building Control Act and Policy EP5, local authorities should address the following 3 issues, prior to determining such applications for the demolition of a listed building.

1. Condition of the Building and Cost of Repair

There is no question that the building is currently in a poor state of repair. However, one has to assess whether the building can be repaired in its present condition. A site meeting has taken place between officers of this Council, and Officers of English Heritage, together with their specialist surveyor. From that meeting and the advise given to officers, it was deemed that the building, even in its present condition, could be repaired. This could involve constructing new internal walls and 'tying' the existing walls to the new walls. A new roof structure could also be constructed and tied into the new walls. On that basis, there is no presumption in favour of allowing the demolition of the building. In addition, the applicant has not provided the Council with any evidence to suggest that the existing building is beyond economic repair. Without that evidence, the applicant has failed to take account of the requirements of PPG15, and the Council cannot concur with the applicant that the building should be demolished.

2. Efforts to Retain the Building

PPG15 also requires applicants to demonstrate that adequate efforts have been made to retain the building in use and that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the buildings's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building).

Again, the applicant has failed to provide any evidence to suggest that adequate efforts have been made to either retain the building or find alternative uses or users for the building.

3. Merits of Alternative Proposals for the Site

A separate application has been made for a replacement building on the site of the existing building. This would be for a proposed business use, albeit it, purely speculative. The applicant has stated that he could incorporate the existing cruck frames into the new proposal and reconstruct an element of the clay wall. Whilst the proposal is an attempt to recreate a barn-like building for the site, the replacement building is not of sufficient high quality in itself, so as to warrant the loss of a listed building in its own right. As such, again, the proposal fails to meet the requirements of PPG15.

Whilst it has to be said that the building is in a poor state of repair, the Council, together with English Heritage are not satisfied that the requirements of PPG15 have been met. English Heritage's structural experts are of the opinion that the building could be repaired, even in its current condition, and that an appropriate use could be found for the existing building. Whilst this would be at a cost to the applicant, the Council should be aware of the applicant's intention to erect a new building in its place (which is subject to a separate application on this agenda), and it could be argued that the monies spent in the construction of a new building, should be put to the repair and restoration of the existing building, thereby preserving the building in almost its original condition.

PPG15 states that it would not expect consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretary of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic buildings.

Conclusions

In conclusion, officers are of the opinion that the applicant has failed to comply with the requirements of PPG15 and following expert advice from English Heritage, it is suggested that, whilst in a poor condition, the building is not incapable of being repaired and an appropriate use being found for the building. However, Members may be of the opinion that the repairs required to be carried out to the building in order to bring it into a viable use, are excessive, and the condition of the building is beyond economic and reasonable repair. Whilst Officers have sympathy with this argument, the requirements of PPG15 are relevant, together with the issue of the lack of repair and maintenance being carried out to the property in times of need. The application is therefore, recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The applicant has failed to demonstrate that the building in its current condition is beyond economic repair/use, that adequate efforts have been made to retain the building in an appropriate use and that the merits of alternative proposals for the site would bring substantial benefits for the community which would outweigh the loss of the listed building. As such the application fails to comply with the requirements of Policy EP5 of the Fylde Borough Local Plan, Policy 21 of the Joint Lancashire Structure Plan and PPG15.

Item Number: 6

Application Reference: 05/0935	Type of Application: Modification of Condition
Applicant: Mr Gordon Briggs	Agent : Mr Gordon Briggs
Location: HANGAR 8, SQUIRES GATE AIRPORT, ST ANNES, LYTHAM ST ANNES	
Proposal: MODIFICATION OF CONDITION 2 AND 3 ON APPLICATION 03/912 TO ALLOW THE RETENTION OF THE BLUE CLADDING AND BALCONY SCREEN	
Parish: St Leonards	Area Team: Area Team 2
Weeks on Hand: 6	Case Officer: Mr M Evans
Reason for Delay: Not applicable	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks to amend two conditions imposed on a previous planning permission requiring details of materials and of a balcony screen to be submitted prior to the commencement of development. These details were not submitted and it is not, therefore, possible for the applicant to comply with these requirements retrospectively. The material used in the cladding of the building is deemed appropriate. There is still a requirement to incorporate a privacy screen on the proposed balcony and Members are recommended to retain the requirement for this balcony by imposing a suitably amended condition.

Reason for Reporting to Committee

As this application relates to a matter previously considered by the Committee.

Site Description and Location

This application relates to a hangar that has been erected at the western end of Blackpool Airport following the granting of planning permission in line with approved scheme of delegation (03/0912). The hangar measures 45m x 36m x 14.2m maximum height. There is also an office building attached to the hangar measuring 11m x 12m which incorporates a viewing balcony overlooking the airport. To the west of the site is an area of land, which recently gained planning permission for use as a temporary car park, beyond which are the rear gardens of properties on Westgate Road. The hangar is constructed of plastic coated profiled steel coloured „Ocean Blue“.

Details of Proposal

This application seeks consent to vary the terms of two conditions imposed an original planning permission relating to this site requiring details of materials and a balcony screen to be submitted prior to the commencement of development.

The proposal is to retain the „Ocean Blue“ cladding and to require the submission of details of the balcony screen prior to the building coming into use rather than prior to the commencement of development.

Relevant Planning History

Application No	Development	Decision	Date
03/0912	PROPOSED ERECTION OF NEW HANGAR	Granted	28/11/2003

Parish Council Observations

St Annes on the Sea Parish Council

Statutory Consultees

Blackpool Airport:

Object as the proposal is not sympathetic to the surrounding environment.

Observations of Other Interested Parties

None Received

Neighbour Observations

22 Neighbouring properties have been notified of the proposal and two site notices displayed adjacent to the site.

At the time of writing this report, 4 letters of objection have been received from neighbouring occupiers objecting on the following grounds:

The colour is not in keeping with other hangars which are of a lighter colour.
The only elevation that the cladding needs to be changed on is the western one facing the houses.
The building is too large and dominant and doesn't blend in with the environment
The balcony should be removed as it is not required
The applicants have carried out the development with disregard to existing conditions
Loss of view
Council tax for adjacent properties should be reduced
Correspondence will be sent out urging people to vote off the Members of the Committee
Why bother writing to neighbours when their comments are ignored

Relevant Planning Policy

Fylde Borough Local Plan:

TR14: Support of continued airport operations
SP3: Safeguarding of open land

Other Relevant Policy:

PPS1: General Policy and Principles

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of

Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

Planning permission was granted in November 2003 for the erection of an aircraft hanger at Blackpool Airport under reference 03/0912 subject to a number of planning conditions. These included that the colour of the proposed cladding should be agreed prior to the commencement of construction and that a screen be erected along the western edge of a proposed balcony to prevent overlooking of adjacent residential properties.

In April 2004, the local planning authority received notification that the hangar building was under construction and at that time the developer was advised that sample materials and details of the balcony screen had not been submitted for approval. A subsequent site visit also revealed that windows had been installed in the western elevation that were not indicated on the approved plans. Members will recall that an item relating to potential enforcement action was considered by this Committee on 2nd March 2005 when Members resolved:

1. To advise the developer that the failure to submit details of materials prior to the commencement of development had rendered the development unlawful.
2. To advise the developer that a retrospective application must be submitted for the development, which should incorporate a screen to the balcony area and delete the office windows in the western elevation.
3. To confirm the "Ocean Blue" cladding is an acceptable colour of cladding.
4. To advise the applicant that if the application was not received within 21 days of notification, enforcement action would be commenced under delegated powers.

Protracted discussions since that time have resulted in the submission of the application before Committee for consideration today. The issues for consideration relate to the colour of the cladding used in the construction of the hangar and the potential for overlooking of neighbouring residential properties from the balcony.

The cladding that has been used in the construction of the hangar is a dark blue colour that has been used on hangars elsewhere on the airport in recent years. However, those hangars are not located in close proximity to residential properties. The material that has been used has resulted in a number of complaints being received from the occupiers of the adjacent properties on Westgate Road, who consider the colour of the cladding too be too dark and that this has resulted in a far more dominating and oppressive form of development.

The nearest existing buildings to this particular hangar are clad in a light blue material which blends with the sky (which is generally the backdrop against which the hangar is viewed) resulting in a less oppressive and dominant appearance. However, account must be taken of the materials that have been used and whether they are sufficiently oppressive that they should be required to be replaced. It is your Officers' recommendation that the harm caused by the use of the darker cladding is not sufficient to warrant enforcement action being taken.

The hangar is situated some 55 metres from the rear of the properties on Westgate Drive and 22 metres from the gardens of these properties. Whilst the distances are greater than would normally be required to prevent overlooking and loss of privacy, the elevated nature of the balcony and office windows gives a perception of overlooking of the gardens of the adjacent properties. The office windows have now been blocked up, but the window frames remain in situ behind the cladding. Your officers consider that this temporary arrangement should be made more permanent by requiring the window frames to be removed completely. The balcony screen will also still be required, but it is considered appropriate to require this to be constructed prior to the first occupation of the hangar. As such a suitable replacement condition could be imposed.

Conclusions

On balance, it is considered that the dark blue cladding is acceptable and that, given the distance between the hangar and the adjacent residential properties the colour of cladding that has been utilised in the construction of the hangar will not be overly oppressive. Accordingly Members are recommended to agree to the retention of the hangar as constructed and to impose additional conditions requiring details of the balcony screen and office windows to be agreed and erected prior to the first occupation of the hangar.

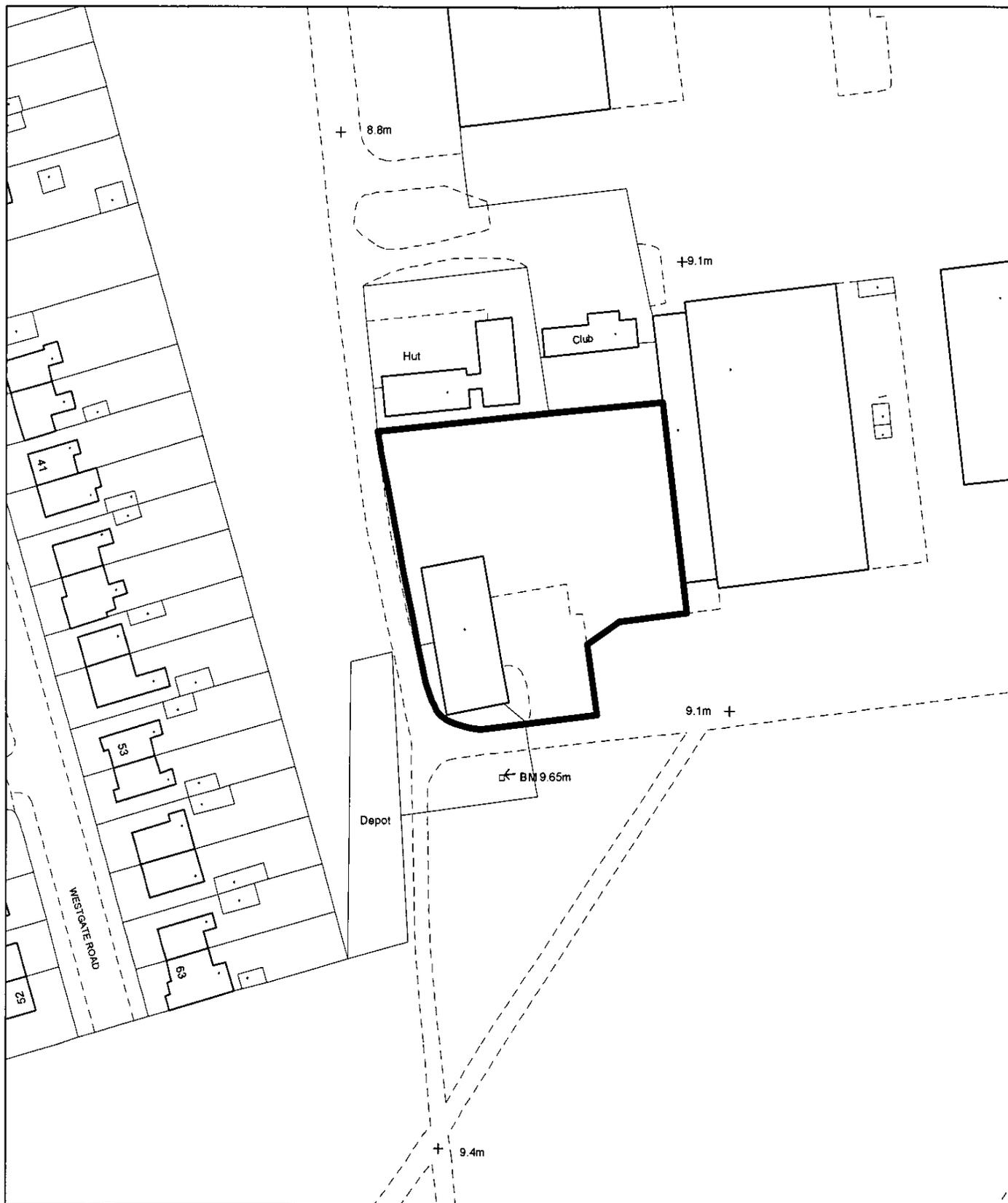
Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Prior to the first occupation of development, details of a screen to be erected along the western edge of the proposed balcony shall be submitted to and approved in writing by the Local Planning Authority. The approved screen shall be installed to the reasonable satisfaction of the Local Planning Authority prior to the building first being brought into use and shall be retained thereafter unless the express consent of the Local Planning Authority has first been obtained.

In order to prevent overlooking of adjacent property, in the interests of residential amenity.

2. Prior to the first occupation of the hangar, the office window openings and frames shall be removed from the western elevation of the building. The window openings shall be blocked by cladding material to match in colour and texture that used elsewhere on the building and shall be retained in its approved form thereafter.



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<p>Application No. 5/05/0935</p>	<p>Address Hangar 8 Squires Gate Airport</p>	<p>Grid Ref. E.3312 : N.4315</p>	<p>Scale N.T.S.</p>	<p>Item No. 6</p>

Item Number: 7

Application Reference: 05/0936	Type of Application: Full Planning Permission
Applicant: D Dempster	Agent : CFM Consultants Ltd
Location: NEWTON GRANGE FARM, GRANGE LANE, NEWTON, PRESTON	
Proposal: OUTLINE APPLICATION FOR ERECTION OF SINGLE STOREY DWELLING.	
Parish: Newton Clifton and Salwick	Area Team: Area Team 2
Weeks on Hand: 6	Case Officer: Ruth Thow
Reason for Delay:	

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

It is considered that the proposal fails to satisfy Policies SP2 of the Adopted Fylde Borough Local Plan and the alterations review of the housing chapter of the Fylde Borough Local Plan, incorporating the Inspector's recommendations. The proposal has failed to demonstrate a need for an occupational dwelling essentially required for the purposes of agriculture, horticulture or forestry. It is recommended that Members refuse the application.

Reason for Reporting to Committee

The application is on the agenda as the Officer's recommendation for approval is contrary to the Parish Council's view.

The Parish Council have not supplied any planning reasons for their support of the application. A letter is to be sent to the Parish Council requesting their reasons for support. Clarification was sought by the Officer, from the Clerk to the Parish Council, to ensure that the council was aware of the land designation. The Clerk reported that the council was aware the application was in countryside area.

Site Description and Location

The application site is a plot of land on Grange Lane/Thames Street, sited between two existing properties at Newton Grange Farm and North View, the area of land is approximately 465 sq. metres and is land designated as countryside in the Fylde Borough Local Plan.

Details of Proposal

This is an outline application for the erection of a single storey dwelling. Access is being applied for at this stage. All other matters are reserved for subsequent approval.

Relevant Planning History

Application No	Development	Decision	Date
01/0671	Grant Permission All Types - 27/02/2002	Granted	27/02/2002
02/1028	CONVERSION OF 2 NO. BARNS INTO 3 NO. DWELLINGS & CONVERSION OF SHIPPON INTO 2 NO. DOUBLE GARAGES	Granted	21/01/2003
03/0149	DOUBLE GARAGE	Granted	09/05/2003
04/0968		Returned Invalid Application	02/12/2004
05/0937	CONVERSION OF AGRICULTURAL BARN TO RESIDENTIAL DWELLING		
91/0779	OUTLINE APPLICATION FOR DETACHED BUNGALOW FOR	Granted	26/02/1992
92/0673	ERECTION OF BARN FOR THE STORAGE OF FARM EQUIPMENT	Granted	22/09/1992
95/0750	RENEWAL OF CONSENT RE: APP. NO. 5/91/779 - O/L PERMISSION FOR AGRICULTURAL WORKERS DWELLINGS	Migrated code	24/04/1996
98/0118	RESERVED MATTERS APPLICATION RE: 5/95/750 FOR DETACHED DWELLING & GARAGE	Granted	22/04/1998
98/0555	AGRICULTURAL BUILDING FOR STORAGE OF MACHINERY - TO REPLACE EXISTING	Granted	07/10/1998
A/02/0001	Permission not required (CLOPUD) - 25/03/2002	Permission not required	25/03/2002

Parish Council Observations

Parish Council

4th November 2005 Newton with Clifton Parish Council "Specifically support the proposal".

Statutory Consultees

United Utilities "Have no objection to the proposal".

Lancashire County Council Highways Authority "No objection in principle to this outline application", **subject to conditions**

Observations of Other Interested Parties

CPRE "Wish to object to this application"

"The ground for our objection are that the proposed dwelling would be outside the cartilage of the settlement of Newton. This would be contrary to Policy SP2 of the Adopted Local Plan regarding building of new dwellings outside settlements in the rural areas of the Borough."

Neighbour Observations

1 neighbour letter received:

- No objection to single storey bungalow but would have problems with two storey or higher building

Relevant Planning Policy

Lancashire Structure Plan: Policy 5

Fylde Borough Local Plan:

SP2	Development within countryside area
HL1	Housing

Other Relevant Policy:

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural areas
PPG3: Housing

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issues for consideration in determining this application are set out in Policy SP2 of the Adopted Fylde Borough Local Plan and the alterations review of the housing chapter of the Fylde Borough Local Plan incorporating the Inspector's recommendations.

In this instance the proposal fails to comply with the relevant criteria as laid out in Policy SP2 of the Local Plan which states that development should be essentially required for the purposes of agriculture, horticulture, forestry or fishing. This proposal is for an outline for a dwelling, no justification has been submitted in terms of the need for a dwelling in this location, in terms of a requirement under Policy SP2.

The applicant, through his agent, has submitted a supporting statement stating that he is the owner of a converted barn and an unconverted barn, which were the subject of a previous permission for conversion into a single dwelling and the unconverted barn into two dwellings.

The applicant is offering to exchange his permission for the unconverted barn with permission for conversion to 2 dwellings to a single dwelling and to transfer that permission to the outline, the subject of this application. Whilst this may have been a way forward, in terms of the Inspector's recommendations on the housing Policy, in that there would be no increase in the overall number of dwellings approved, were the application sited within the limits of development, however, this site is clearly outside the settlement boundary and no special circumstances that justify development in open countryside has been submitted. As such, there would be additional visual harm created by a new form of built development in open countryside.

In consideration of Policy HL1 and the housing issue, the aim of Regional Planning Guidance 3 is that housing development in the North West should be concentrated on Greater Manchester and Merseyside. The corollary of this is less housing for Lancashire. There is already a significant potential over-supply of housing in the Fylde Borough area. This proposal for an additional unit would add to that potential over-supply and does not over come any of the exceptions included in

Policy HL1 of the alterations review of the Fylde Borough Local Plan incorporating the Inspector's recommendations. As such, the proposal fails to satisfy Policy HL1.

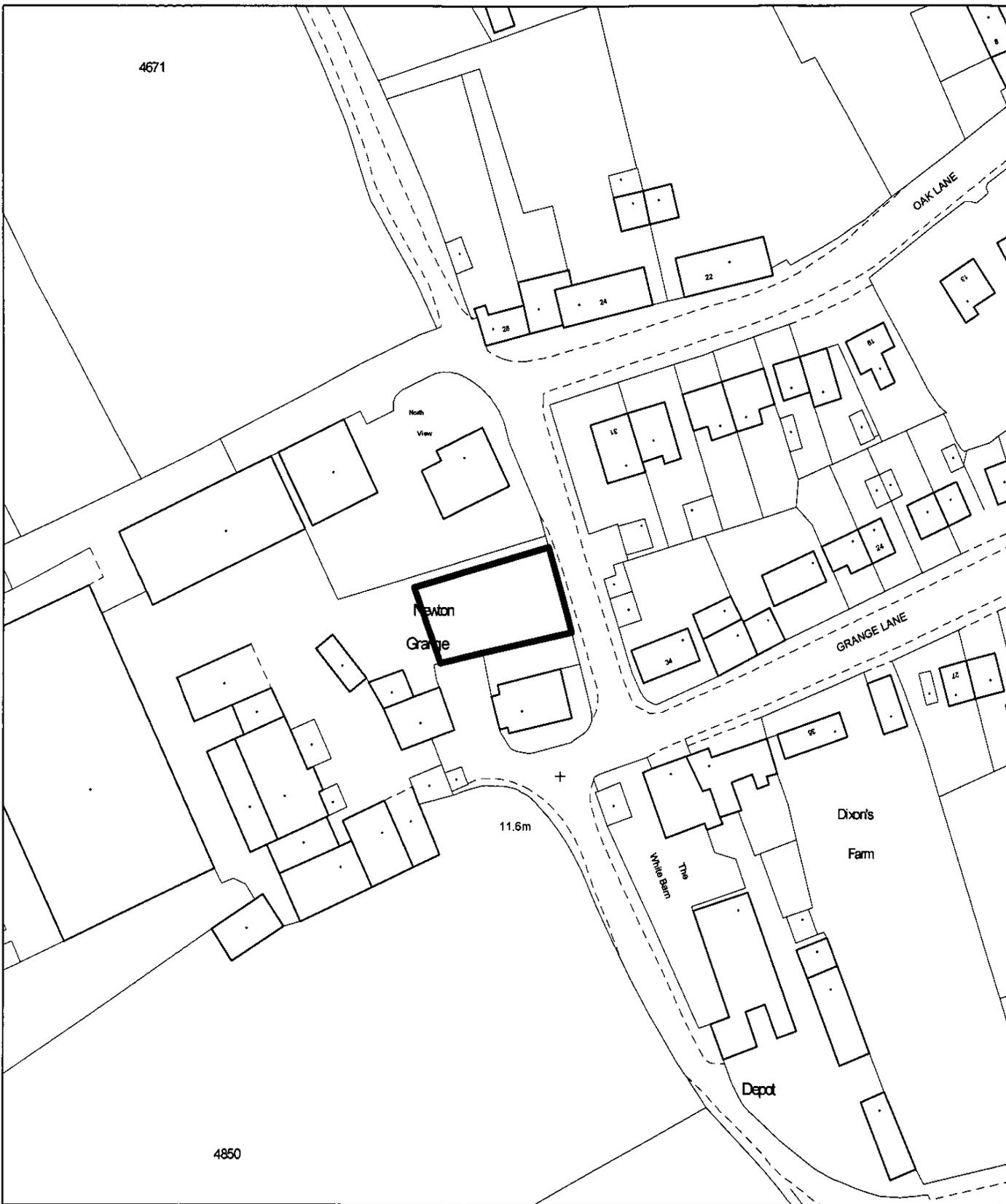
Conclusions

The proposal fails to comply with Policy SP2 as the applicant has not submitted any justification as to the need for the development in the countryside area and would increase the housing oversupply for the Borough and therefore fails Policy HL1.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposal is contrary to the provisions of Policy SP2 of the Council's adopted Fylde Borough Local Plan which requires that development within countryside areas shall be essentially required for the purposes of agriculture, horticulture or forestry or other use appropriate to a rural area. In this case no such justification has been proven to the satisfaction of the Local Planning Authority and if allowed then this would establish an unwarranted precedent for the erection of further development without a proven need which the Local Planning Authority would find difficult to resist which, upon a cumulative basis, would be detrimental to the character and quality of the open countryside in Fylde Borough.
2. The applicant has failed to demonstrate that the additional unit of accommodation is necessary having regard to the housing requirement contained in the Adopted Joint Lancashire Structure Plan, the existing level of committed planning permissions for housing and the availability of previously developed sites within the Borough to accommodate residential development. Accordingly the proposal is contrary to the provisions of Planning Policy Guidance Note 3: Housing and the Adopted Joint Lancashire Structure Plan (2001 - 2016).
3. The development would prejudice the housing strategy for the North West of England as contained in policies UR7 and UR8 of RPG13 (Regional Planning Guidance for the North West). In particular, if approved, the proposal would exacerbate an existing situation of potential over-supply of dwellings in the Borough, which would prejudice the ability of the Council to plan, monitor and manage the release of land for housing development at the appropriate annualised rate.
4. The development would prejudice the housing strategy for Lancashire and Fylde Borough as contained in Policy 12 of the Adopted Joint Lancashire Structure Plan 2001 - 2016, in particular, if approved the proposal would exacerbate an existing situation of potential over-supply of dwellings in the Borough, which would prejudice the ability of the Council to plan, monitor and manage the release of land for housing development at the appropriate annualised rate.



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<p>Application No. 5/05/0936</p>	<p>Address Newton Grange Farm Grange Lane, Newton</p>	<p>Grid Ref. E.3445 : N.4306</p>	<p>Scale N.T.S.</p>	<p>Item No. 7</p>

Item Number: 8

Application Reference: 05/0953	Type of Application: Full Planning Permission
Applicant: Travis Perkins Plc	Agent : Davlyn Properties Ltd
Location: HENTHORNES, ORDERS LANE, KIRKHAM, PRESTON, PR4 2T	
Proposal: DEMOLITION OF EXISTING SALES BUILDING / WAREHOUSE BUILDING AND FORMATION OF NEW SALES BUILDING AND SEPERATE WAREHOUSE BUILDING.	
Parish: Kirkham	Area Team: Area Team 1
Weeks on Hand: 5	Case Officer: Mr D Shepherd
Reason for Delay:	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application is for a replacement sales building and warehouse on the site of the existing building adjacent to Orders Lane and a new warehouse building to the South West corner of the site. The development proposed is considered to be acceptable and is therefore recommended for approval.

Reason for Reporting to Committee

Kirkham Town Council have objected to the application.

Site Description and Location

The site is in the town centre of Kirkham, just south of Town End and is currently in use as a builders merchants. There is the Swan Hotel to the east and housing to the north, west and south.

Details of Proposal

Replacement sales building and new warehouse at existing builders merchants site.

Relevant Planning History

Application No	Development	Decision	Date
05/0087	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF SALES BUILDING AND SPERATE WAREHOUSE.	Withdrawn by Applicant	28/02/2005

Parish Council Observations

Parish Council Kirkham Town Council, object to the application as the warehouse is in an area which

is not currently built on and would be overbearing on residential properties.
The council find the main (replacement) building acceptable.

Statutory Consultees

None

Observations of Other Interested Parties

None

Neighbour Observations

Four letters of objection on following grounds;

- there is a sewer running through the site
- heavy vehicles attend the site, a move out of town would be welcomed
- detrimental to our lives
- all properties surrounding the site are terraces and the building yard already seems to be on top of us. The new building would make this worse.
- noise has increased on site, this will make it worse
- the traffic is getting worse and now starts at 7am most days
- the new building would block light to the rear windows of our house
- the yard is already full to bursting
- I do not think this kind of business is really needed or wanted here

Relevant Planning Policy

Lancashire Structure Plan:Policy 2

Fylde Borough Local Plan:SP1,SH 9

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPS 6: Town Centres and retail development

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issue here is the new building proposed in the south west corner of the site, where there is currently no building.

The replacement building to the edge of Orders Lane is to be constructed of red facing brick and is on a smaller footprint than the existing building.

The building to the South West corner is for warehousing, and is proposed to be 20.5 metres in length by 12 metres deep by 6 metres to eaves and 7.5 metres to ridge. The building would be constructed of

Plastisol coloured sheeting in a mixture of grey and blue colouring.

The position of the building is to the north of the rear garden of 4 Orders Lane, approximately 13 metres from the house itself. It is 26 metres due east of the side elevation of 30 Swarbrick Street and almost 35 metres south of the rear of properties in Moor Street. At these distances it is your officers view that it would be difficult to justify a refusal of the proposal, on the impact of the building on the neighbours. Clearly there will be some impact on adjacent properties, in particular 4 Orders Lane, but not so great as to warrant a refusal of planning permission.

The application site has been used as a builders yard for a long period of time (the 1950's) and various builders materials have always been stored in the open in the yard including up against the walls surrounding the site. Comments have been made about the hours of operation/opening at the site. This is not for consideration in this application and there is no change of use. It is not appropriate and would be unreasonable to attempt to impose hours of business on the application which is basically just for new and replacement buildings on site.

Conclusions

The application is considered to be acceptable as it is an existing, established use of the site and the new warehouse building is considered to be in a position that is not detrimental to any of the neighbouring properties.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans the materials of construction to be used on the external elevations and roof must match those of the existing building[s] in the terms of colour and texture and samples of the materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a consistency in the use of materials in the interest of visual amenity.

3. **REASON FOR APPROVAL**

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

4. **SUMMARY OF RELEVANT POLICIES**

This decision has been made having regard to:

the policies contained within the adopted Development Plan which comprises of the:

The Fylde Borough Local Plan.

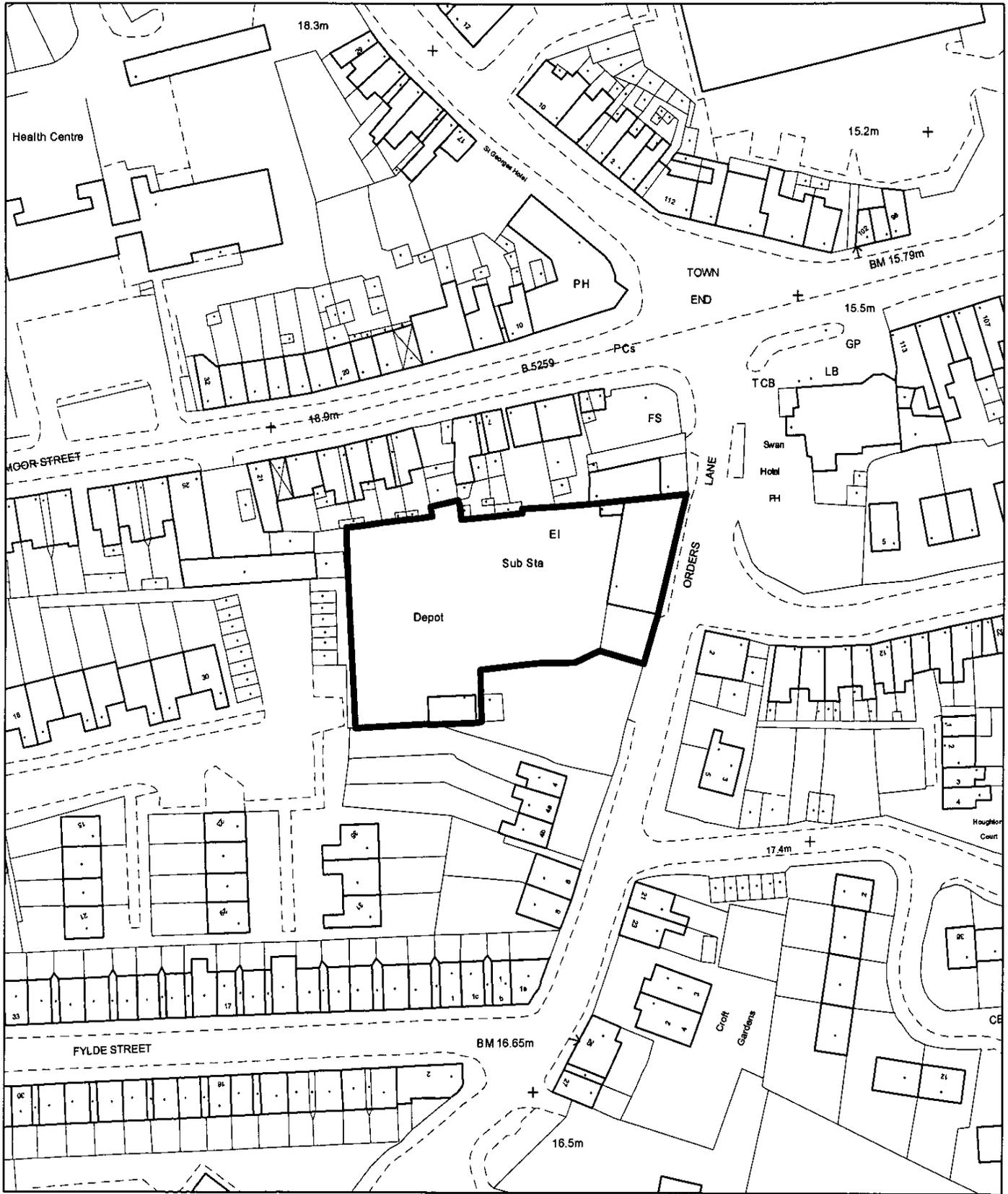
The Joint Lancashire Structure Plan.

and all other relevant planning guidance and in particular Policies:

Fylde Borough Local Plan:SP1, SH9

Joint Lancashire Structure Plan:Policy 2

PPG's/PPS's: PPS1,PPS 6



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<p>Application No. 5/05/0953</p>	<p>Address Henthornes Orders Lane, Kirkham</p>	<p>Grid Ref. E.3422 : N.4320</p>	<p>Scale N.T.S.</p>	<p>Item No. 8</p>

Item Number: 9

Application Reference: 05/0967	Type of Application: Full Planning Permission
Applicant: Mr and Mrs Broomhead	Agent : S Tortely
Location: BROADACRES, BALLAM RD, BALLAM, LYTHAM ST ANNES, FY8 4	
Proposal: PROPOSED REPLACEMENT DWELLING FOLLOWING DEMOLITION OF EXISTING DWELLING AND GARAGE.	
Parish: Westby with Plumpton	Area Team: Area Team 1
Weeks on Hand: 4	Case Officer: Mr M Evans
Reason for Delay:	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to the erection of a replacement dwelling. The proposal is considered acceptable even though it is almost a 45% increase in volume over the existing as the resultant dwelling would still be in keeping with the size of the majority of other dwellings in the locality.

Reason for Reporting to Committee

The applicant's agent sits on the Council's Design Panel.

Site Description and Location

This detached residential bungalow is situated on the south side of Ballam Road, within a small group of residential properties at Westby. The existing bungalow is a detached property set in a large garden with mature planting to the garden boundaries. To the east of the property is a chalet style bungalow, whilst to the west is a two storey dwelling. The settlement is comprised of a mixture of bungalows and traditional 2 storey houses.

Details of Proposal

The application proposes the demolition of the existing dwelling and the erection of a replacement dwelling. The proposed dwelling would appear as a dormer bungalow from the front elevation with sweeping roofs of blue slate. The rear elevation would be two storeys in height with two balconies. The new dwelling would sit roughly on the same footprint as the existing dwelling and be constructed on a brick plinth with rendered walls above. The building has been designed to incorporate a bend to reflect the form of the existing property. The mature planting would be retained. Access would be via the existing driveway access onto Ballam Road.

Relevant Planning History

Application No	Development	Decision	Date
3/7/2231	PROPOSED BUNGALOW	APPROVED	1.6.60
99/0507	EXTENSIONS AND ALTERATIONS TO EXISTING HOUSE	Refused	03/11/1999

Parish Council Observations

Westby with Plumpton Parish Council

Recommend approval of the application.

Statutory Consultees

N/A

Observations of Other Interested Parties

None

Neighbour Observations

Three adjacent properties have been notified and a site notice displayed.

No comments have been received.

Relevant Planning Policy

Lancashire Structure Plan:

Policy 5: Development in Rural Areas

Fylde Borough Local Plan:

Policy SP2: Development in Countryside Areas

Policy HL1: Residential Development

Policy HL4: Replacement dwellings and extensions in rural areas

Other Relevant Policy:

PPS1: Sustainable Development

PPS7: Sustainable Development in Rural Areas

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The proposed replacement dwelling is located in a rural area. As such the application falls to be considered against the criteria laid down in Policy HL1 and HL4 of the Fylde Borough Local Plan (as amended).

Policy HL1 seeks to restrict new residential development in times of over supply. However, Criteria 6 of Policy HL1 acknowledges that replacement dwellings do not add to the housing supply. As such this proposal is in accordance with the provisions of that Policy.

Policy HL4 deals with the erection of replacement dwelling in the rural area. The policy requires that replacement dwellings are in keeping with the character of existing dwellings in the surrounding locality. The preamble to Policy HL4 advises that increases between 25 and 33% will generally be acceptable. This particular proposal would represent an almost 45% increase in volume over the existing dwelling. However, the footprint of the dwelling is very similar to the existing property and comparisons of the elevations indicate that the height and width of the property are only marginally expanded. The dwelling has been designed in order to present a low sweeping roof to the site frontage with hipped roofs to either side. A kink in the floor plan has also helped to minimise the visual presence of the building. The majority of the mature planting to the boundary of the site will be able to be retained and help to establish the setting of a new building.

The siting of the building on the plot has also been set out in order to minimise any adverse impact on neighbouring properties and this is further assisted by the incorporation of a hipped roof.

The proposal would utilise the existing access to the site and provide for a turning area which would obviate the current need to reverse onto Ballam Road when leaving the site.

Conclusions

When viewed in the context of adjacent dwellings, the proposal would not appear out of character with this area and Members are therefore recommended to approve the proposal.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of three years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans Samples of facing brickwork [including details of mortar colour], and roof treatment, including colour, shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

3. Before the development hereby permitted is commenced measures shall be agreed with the Local Planning Authority for the safeguarding and protection of existing trees from damage by development works, storage of materials and operation of machinery. The area within which trees are growing shall be adequately fenced off with chestnut paling or other similar fencing to the satisfaction of the Local Planning Authority before any development is commenced, or material brought into the site. No vehicles shall pass into this area, no materials shall be stored there, no waste shall be tipped or allowed to run into the area, no

fires shall be lit and no physical damage to bark or branches shall be allowed. Any pruning or other treatment to trees shall be competently carried out only after agreement with the Local Planning Authority.

To safeguard the visual amenities of the neighbourhood.

4. A full specification of all proposed surface materials shall be submitted to the Local Planning Authority for approval prior to the commencement of the development; thereafter only those approved materials shall be used upon the development unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the overall quality of the finished development.

5. **REASON FOR APPROVAL**

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

6. **SUMMARY OF RELEVANT POLICIES**

This decision has been made having regard to:
the policies contained within the adopted Development Plan which
comprises of the:

The Fylde Borough Local Plan.

The Joint Lancashire Structure Plan.

and all other relevant planning guidance

and in particular Policies:

Fylde Borough Local Plan:

Policy SP2 : Development in Countryside Areas

Policy HL1 : Residential Development

Policy HL4 : Replacement dwellings and extensions in rural areas

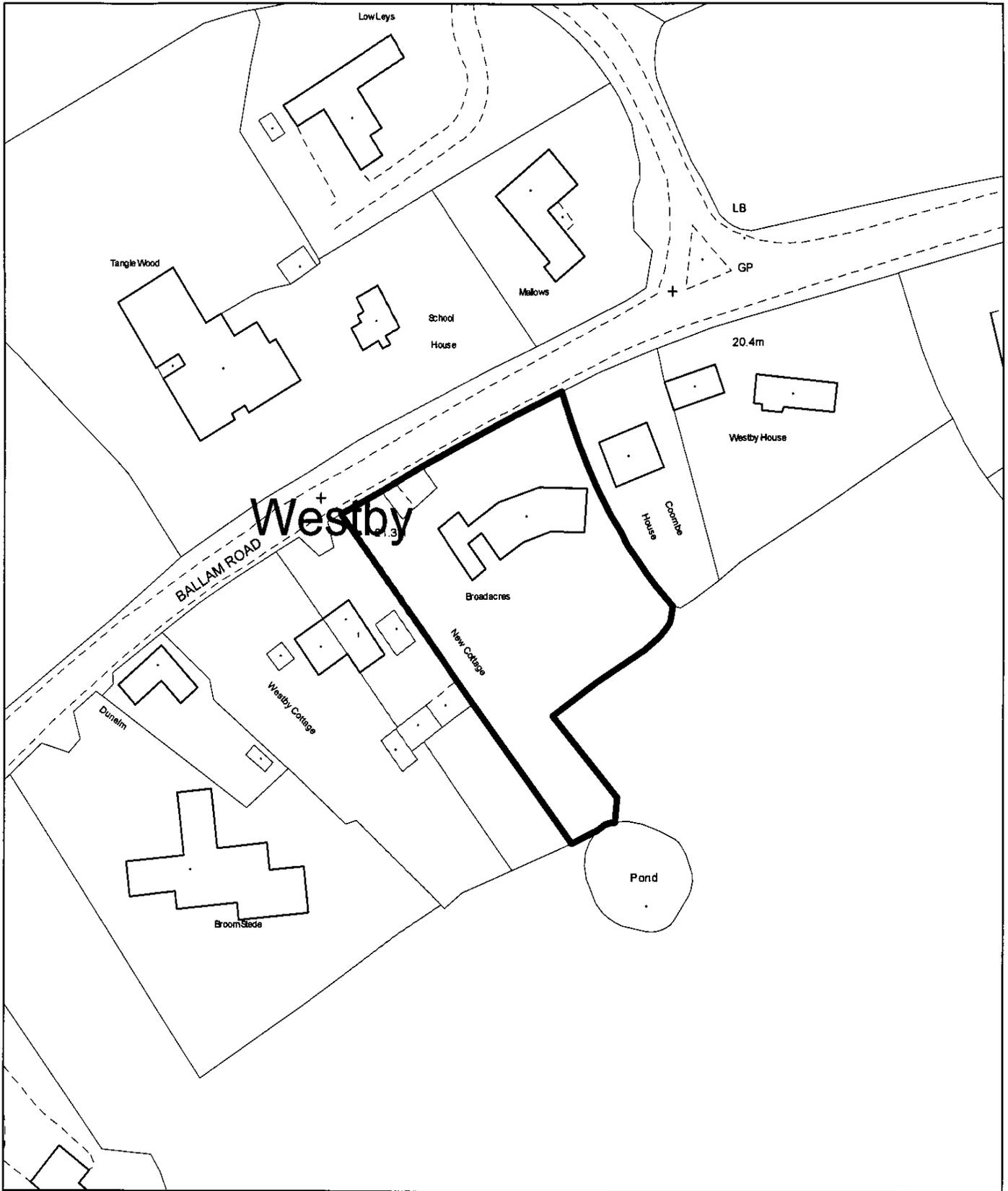
Joint Lancashire Structure Plan:

Policy 5 : Development in Rural Areas

PPG's/PPS's:

PPS1: Delivering Sustainable Development

PPS7 : Sustainable Development in Rural Areas



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<p>Application No. 5/05/0967</p>	<p>Address Broadacres Ballam Road, Westby</p>	<p>Grid Ref. E.3383 : N.4317</p>	<p>Scale N.T.S.</p>	<p>Item No. 9</p>