

# Agenda

## Planning Committee

Date:	Wednesday, 5 January 2022 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)  Councillors Tim Armit, Gavin Harrison, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.

### Public Speaking at the Planning Committee

Members of the public may register to speak on individual planning applications: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">8 December 2021</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	<b>DECISION ITEMS:</b>	
4	<b>Planning Matters</b>	3 - 57
	<b>INFORMATION ITEMS:</b>	
5	<b>List of Appeals Decided</b>	58

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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### 05 January 2022

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2	21/0628	BULLHORNS SMOKEHOUSE, 32 POULTON STREET, KIRKHAM, PRESTON, PR4 2AH LISTED BUILDING CONSENT ERECTION OF SINGLE STOREY TIMBER SHELTER TO PROVIDE COVER FOR EXTERNAL FOOD 'SMOKERS'	Grant	15
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## Background Papers

The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2021
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available online at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning)

# Planning Committee Schedule

## 05 January 2022

**Item Number:** 1

**Committee Date:** 05 January 2022

<b>Application Reference:</b>	21/0627	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr McDonald	<b>Agent :</b>	
<b>Location:</b>	BULLHORNS SMOKEHOUSE, 32 POULTON STREET, KIRKHAM, PRESTON, PR4 2AH		
<b>Proposal:</b>	ERECTION OF SINGLE STOREY TIMBER SHELTER TO REAR TO PROVIDE COVER FOR EXTERNAL FOOD 'SMOKERS' (RETROSPECTIVE)		
<b>Ward:</b>	KIRKHAM NORTH	<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	18	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Application Deferred by Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Grant

### **Update to December Committee Items**

#### **Introduction**

Applications 21/0627 (for planning permission) and 21/0628 (for listed building consent) were considered on the agenda of the 8 December 2021 meeting of the Planning Committee for a decision. At that meeting they were presented and following debate the decision on both applications was deferred. The minutes record the deferral reason in both instances as follows:

*The decision on the application was deferred to allow the following matters to be considered further by officers and an updated report presented to a future meeting of Committee:*

- 1. To seek greater clarification over the use of the outbuilding, how this use relates to the use of the site as a whole, the scope for the use of the building to be undertaken within the main building, and whether doing so would require alterations to the building.*
- 2. To seek views from the council's Regeneration Team specifically regarding whether the retention of the outbuilding in its current location has any detrimental implications for the delivery of the Kirkham Futures town centre improvement project.*
- 3. To clarify whether there is a need for Listed Building Consent for the retention of the outbuilding as is proposed in application 21/0628.*

This Update provides a response to those matters as follows:

### **Item 1 – The Purpose for the Building**

Since the December meeting a further visit to the site has been undertaken to assist in informing Members about the application building. This is a timber structure that is sited to the very rear of the curtilage of the property and measures around 6m x 3m in floor area. It is used for the ‘smokers’ process that is undertaken at the premises whereby meat, principally ribs, are stored, prepared and then smoked over a period of several hours. This smoking is undertaken in 3 wood-fired ovens which are cylindrical in shape and sited on a bench that runs along one side of the building. The building also provides a separate cold storage area as well as counters, a sink and general storage areas associated with this element of the food production. There is also a grill in the building that is used as additional capacity over that which is available in the main kitchen.

The main kitchen is located within the rear part of the main building and is domestic in its scale and layout with a fryer, oven, large hob, grill, fridge and sink. Access from the outbuilding leads to the kitchen which in turn leads to the dining area.

The officer assessment of this arrangement following site visit is that it is difficult to see how the smokers could be accommodated at the site without being sited in an outbuilding or an alternative extension to the building itself. This is due to their size and the modest proportions of the kitchen within the building. The kitchen and storage areas that are available are particularly constrained for a restaurant and if the smokers were to be installed in the building it could only be achieved by removing covers and making physical alterations to the building itself. At the visit the applicant was present and explained that the smokers is a key part of the business as it is something that they are able to offer which is different to many other restaurants of this type.

### **Item 2 – The Views of the Regeneration Team**

One of the queries raised in the debate at the December Planning Committee meeting was whether the council’s Regeneration Team had expressed any reservations about the application given that the route alongside the application site provides one of the key links between the town centre and the car park. That team were consulted on the applications on receipt and provided no comments.

A further specific request for comments was sent following the December Planning Committee, and has generated a response from that team. They accept that the building is functional in its design, but they do not have any particular views over its impact on the wider regeneration scheme. They do refer to the building being higher than the fencing to the rear, but this is an issue that will be mitigated to a degree by the application of stain to the exterior that would help ‘soften’; the appearance of the building.

### **Item 3 – The Need for Listed Building Consent**

The relevant legislation for this is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, with s7(1) of that Act advising that “.....*any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised*”, with s8 explaining that Listed Building Consent is the mechanism by which such works are ‘authorised’.

Further guidance on this is available on the Historic England website, which states: says:

*In general terms listed building consent is required for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest.*

*The requirement applies to all types of works and to all parts of those buildings covered by the listing protection (possibly including attached and curtilage buildings or other structures), provided the works affect the character of the building as a building of special interest.*

In this case the works do not affect the actual building in any way, but are clearly in its well defined and historic curtilage and do affect its setting. Whilst a contrary argument could be made on this, your officers believe that the appropriate view to take is that as the works involve the erection of a curtilage building to the listed building then the application for listed building consent that has been made should be determined.

### **Summary to Officer Update**

The conclusion that was presented in the report that went to the 8 December meeting was essentially that the building created some harm to the setting of the listed building, but that this harm was 'less than substantial' and was offset by the public benefits of supporting the operation of the business in the listed building and town centre, and doing so in a way that was not intrusive in any way to the fabric of that building.

Having undertaken a further site visit to examine the exact purpose of the outbuilding it is clear that it is actively in use as part of the main cooking processes undertaken by the business and so has a key role in its function as a restaurant in the town centre. It is also clear that if the building were not available then this cooking process could not realistically be undertaken at the premises without further costly and intrusive works to the building, most likely through the extension of its kitchen. It is therefore accepted that there is a need for an outbuilding to support this activity.

The outbuilding which is the subject of this application is functional in its design, but is also inoffensive being timber clad and of a plain finish that does not compete with the main building or townscape in any way. It is located in as sensitive a location within the site as possible, and in doing so benefits from the screening provided by the boundary fence to the car park and the canopy of the tree which further reduce its visual impact. It is located as far away from the listed building as is possible within the confines of the site, and should the smoking process no longer be required then it could be removed without any harm to the listed building.

Accordingly officers are satisfied that the 'less than substantial harm; that the outbuilding causes to the setting of the listed building is outweighed by the public benefits that the business trading within that building provides to the vitality of the town centre and the maintenance of the heritage asset itself. As such having undertaken the further examination of the building requested by Committee it is officer view that the recommendation presented on planning application 21/0627 on the agenda papers is appropriate. It is also the case that the proposal is a form of development n that requires listed building consent and so application 21/0628 should be determined, with the recommendation for that application also appropriate.

The previous reports are repeated below exactly as presented on the 8 December 2021 agenda for reference.

### **Summary of Officer Recommendation**

This application site is a commercial property located in on Poulton Street in Kirkham and so is in the designated town centre area of the settlement and trades as a restaurant. In this case the property is Grade II listed and is in the conservation area. It is surrounded by other

commercial properties to the sides and opposite, with the car park associated with Kirkham Community Centre to the rear. A pedestrian walkway between the car park and Poulton Street runs alongside this property.

This application seeks retrospective planning permission for a timber outbuilding that has been erected in the rear curtilage of the property, and as it is a listed building is accompanied by an application for listed building consent which follows on this agenda. The building is used for the smoking of food on a series of grill/ovens to be served in the 'Bullhorns Smokehouse' eatery which occupies the ground floor of the building.

The building is a detached structure that sits to the very rear of the curtilage to the site and is largely constructed in timber. Whilst it is prominent from the car park and walkway it is not visible from the Poulton Street aspect and is considered to cause less than significant harm to the character, appearance and setting of the listed building. It brings some public benefits by contributing to the continuing viability and vitality of both the business and Kirkham town centre. These are considered to outweigh the less than substantial harm caused to the listed building's setting and so ensures compliance with that aspect of the planning assessment.

The building is used for a purpose that is clearly associated with the trading of the host building and is the type of facility that has become more prevalent in recent months as the hospitality sector adapts to trading in a post-Covid environment. This results in additional external dining, and this facility is to support that. Whilst there are some residential properties in the area, these are in a town centre environment where less protection from noise and odour are to be expected, but with the location of this structure being as well removed from those neighbours as is possible it is not considered that there are any undue implications of this nature.

Accordingly the development accords with the relevant policies of the Fylde Local Plan to 2032, and the NPPF, and is recommended for approval.

### **Reason for Reporting to Committee**

The officer recommendation for approval conflicts with the views of the Town Council and so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

This application relates to a three storey Grade II listed building located on the northern side of Poulton Street and within a primary shopping frontage of Kirkham town centre. The property is in the middle of a terrace of three buildings and backs onto the higher level of the Mill Street Car Park and the rear garden incorporates a steep descent from the car park level to that at the rear of the building. The current use of the premises is as a restaurant at ground floor and residential in the upper two floors.

The surrounding area is a mix of commercial units at ground floor with residential accommodation above many of them.

### **Details of Proposal**

Retrospective planning permission is sought for the construction of a single storey timber shelter



within the rear curtilage of the premises. This is designed to provide cover for food smokers used for the preparation of food served in the restaurant. The shelter is located against the rear curtilage boundary with Mill Street car park, has a 2.6 metre high flat roof, and a ground footprint measuring 6.3 metres by 2.5 metres. It has a natural finish timber appearance.

An application for listed building consent (21/0628) has been submitted relating to this development and follows this application on the agenda

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
06/0232	LISTED BUILDING CONSENT FOR SINGLE STOREY REAR EXTENSIONS, PROPOSED DISABLED ACCESS IMPROVEMENTS AND BASEMENT SEATING / DINING REFURB.	Granted	28/07/2006
06/0231	PROPOSED SINGLE STOREY REAR EXTENSIONS, PROPOSED DISABLED ACCESS IMPROVEMENTS AND BASEMENT SEATING / DINING REFURB.	Granted	28/07/2006
03/0567	COVERED SEATING AREA TO REAR	Granted	06/08/2003
02/0323	RETROSPECTIVE APPLICATION FOR ADVERTISEMENT CONSENT FOR 2 NO EXTERNAL BANNER SIGNS	Granted	19/11/2002
02/0322	CHANGE OF USE OF OFFICES TO MIXED USE OF OFFICES (A2), DELICATESSEN (A1) AND ANCILLARY CAFE (A3)	Granted	05/07/2002
02/0325	LISTED BUILDING CONSENT FOR DEMOLITION OF INTERNAL WALLS ON GROUND FLOOR ONLY TO CONVERT OFFICES INTO RETAIL OUTLET	Granted	25/06/2002

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Kirkham Town Council** notified on 06 September 2021 and comment:

*Kirkham Town Council object to the application as the outbuilding is out of keeping with the architecture of the listed building, will attract vermin, and cause odours and noise that will effect nearby residents and businesses.*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Heritage)**

No comments received.

#### **Environmental Protection (Food Safety)**

No objection raised but informed that applicant has been advised in respect of fire safety and rodent control.

## **Environmental Protection (Pollution)**

*With reference to your memorandum dated 06/09/2021, there are no objections to the above proposals in principle, however I would add the following conditions:*

- *The outside seating area must cease being used at 22.00pm.*
- *No amplified music or live entertainment shall be undertaken in the outside seating area.*

## **Neighbour Observations**

<b>Neighbours notified:</b>	06 September 2021
<b>Site Notice Date:</b>	16 September 2021
<b>Press Notice Date:</b>	09 September 2021
<b>Number of Responses</b>	None

## **Relevant Planning Policy**

### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
ENV5	Historic Environment

### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

### **Site Constraints**

Listed Building

## **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **Comment and Analysis**

The principle issues to consider in the determination of this application are the visual impact of the development on the surrounding area, the impacts on the character and setting of this listed building, and impacts on neighbour amenity. These are examined as follows:

### **Design and Appearance in Streetscene**

Fylde Local Plan to 2032 policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 15 guiding principles (a - o). In particular, criteria d), h) and i) of the policy identify the following requirements:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well

to the surrounding context.

- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 130 of the NPPF sets out six general principles of good design (a) – f)) that developments should follow and paragraph 134 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies”.

The shelter is located wholly to the rear of No.32 Poulton Street and sited against the rear shared boundary with Mill Street car park. It is visible only in views from the car park and the narrow public passageway that provides access to Poulton Street from the car park. From these vantage points the building is seen largely against a combined backdrop of tall green flora and the rear elevations of properties along Poulton Street and Birley Street. Within these vistas the height, scale, and design of the structure are not considered to be unduly harmful or incongruous as there are a series of other ‘back street’ style structures.

The natural wood finish of the building's appearance does increase its visual presence however a permission could be conditioned requiring the shelter's timber elevations to be stained with a dark finish. This would give it a more subtle appearance and so help to blend it with the darker backdrop of the trees and reduce its visual impact. With this condition being imposed the proposal will satisfy the requirements of Policy GD7.

#### Impact on the Listed Building – Legislative Background

The subsection to policy ENV5 relating to Listed Buildings indicates that *“Fylde’s listed buildings and their settings will be conserved and, where appropriate, enhanced. A proposed development which results in any harm to or loss of the significance of a listed building and / or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal. Proposals will only be granted in exceptional circumstances where they can be clearly justified in accordance with national planning guidance on heritage assets.”* The subsection then sets out a series of criteria that developments affecting listed buildings and their settings should satisfy in order to demonstrate compliance with the policy.

NPPF paragraph 202 states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

- *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

#### Impact on the Listed Building – Assessment

The development for which retrospective permission is sought comprises a single storey building of

timber construction sited alongside, and parallel to, the rear curtilage boundary. In this regard it pays little respect to the host building which is a townhouse scale property over three floors with a brick frontage traditional detailing. The application building is well separated from the listed building and so has no impact on that structure, but does have an impact on its setting and so there is a need to assess that in the determination of this application for planning permission and the application for listed building consent which accompanies it. Having undertaken that assessment officers are satisfied that the impact is an acceptable one, with the following reasoning supporting that view.

Firstly there is the context of the building. Planning permission (ref. 06/0231) and listed building consent (ref. 06/0232) were granted in 2006 for the construction of single storey rear extensions and formation of an outdoor seating area within the rear curtilage. These permissions have been implemented and whilst there are some minor discrepancies between the extensions as approved and extensions as built the essential form and appearance of the approved development has been implemented. Hence the timber building for which consent is now sought is viewed against the context of these relatively recent and modern appearing rear extensions and outdoor seating area.

Secondly there is the nature of its construction. As a timber building it is not of a permanent construction, and whilst there is no indication in the application that it is intended to remain on site for a temporary period, it is likely that in the longer term the building will not remain on site as the use of the building continues to evolve in the future.

Thirdly, its use is clearly designed to support the restaurant use of the premises. The hospitality sector has seen particular challenges as a consequence of the Covid pandemic and has had to evolve to react to those challenges. This has resulted in more space being required to sit the same number of covers internally, and more use of external space for dining. The building is designed to allow some of the cooking at the site to be undertaken externally to the host building to free up space within the building, and to serve the external diners. It is also to host bulky equipment that could less readily be accommodated within the more constrained facilities of the listed building without their alteration.

Finally, the continued trading of the premises brings public benefits, both in the occupation of the building ensuring it remains in a maintained state, and in the additional to the vitality of the town centre that its occupation can only contribute positively to.

The listed building legislation set out above requires that an assessment of a proposal such as this is to be made regarding whether it is harmful, and if so the level of any harm. In this case the proposal does lead to some harm, but this is adjudged to be the 'less than substantial harm' that is set out in para 202 of NPPF. In such cases the of harm is to be weighed against the public benefits of the development. For the reasons set out above, particularly that the building supports the on-going trading from the site with a structure that leads to no harm to the building itself and limited harm to its setting, it is considered that proposal satisfies the requirements of para 202 of NPPF. This test is essentially that required by Policy ENV5 in respect of the impact of development on the setting of a listed building, and so it is officer conclusion that the impact of the development on the listed building is an acceptable one that is in accordance with local policy and national guidance despite the contrary views on that aspect of the Town Council.

#### Neighbour amenity

The application property and the adjoining No.34 both have residential flats in their upper floors. The Old Coach House (2No. residential flats) on Birley Street also backs onto the application site and thus neighbour amenity is a consideration. The nature of the use of the outbuilding suggests that

smoke would be a by-product of the food smoking process and thus potentially impact on neighbour amenity. However the contained nature of the food smoking process is such that very little generated smoke escapes to the atmosphere. The council's Environmental Protection team have been consulted on the application and raised no objections to the building or its use for smoking food, and no objections have been received from nearby residents. Given that the application is retrospective and the outbuilding has now been in use for at least four months it is considered that the absence of complaints or objections to the application indicates that neighbour amenity has not been unduly prejudiced by the development in that time, and so is unlikely to do so in the future.

Whilst the Environmental Protection team have suggested conditions that could be imposed to limit the hours of use of the external areas of the site, as this area is lawfully used under other planning permission and that is unrelated to this planning application then it is not possible to impose controls of this nature through this decision.

#### **Other Matters**

One of the reasons for objection provided by Kirkham Town Council refers to the potential of the building to attract vermin. Whilst this is not a planning issue, and would be dealt with under separate environmental health related legislation, the issue has been raised with the applicant. They have confirmed that they operate a pest control policy with a contract in place with specialists in that area to regularly visit the property to address any vermin issues that arise, which is to support the work of the business themselves in ensuring the areas are maintained in a clean and tidy condition as is inherent in the operation of a successful food business. Should these efforts not be successful and complaints of vermin be received then these would be addressed through environmental protection or food hygiene legislation as normal. It is not the case that the Town Council's concerns over potential issues of this nature can have a bearing on the determination of this application, as there is other legislation that would address any issues that arise.

#### **Conclusions**

This application relates to a timber outbuilding erected in the rear curtilage of a listed building. Having viewed the outbuilding and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032, and the NPPF. Accordingly, the application is recommended for approval.

#### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
  - Location Plan - Drawing no. 101 Rev A
  - Site Plan - Drawing no. 101 Rev A
  - Plans & Elevations - Drawing no. 101 Rev A

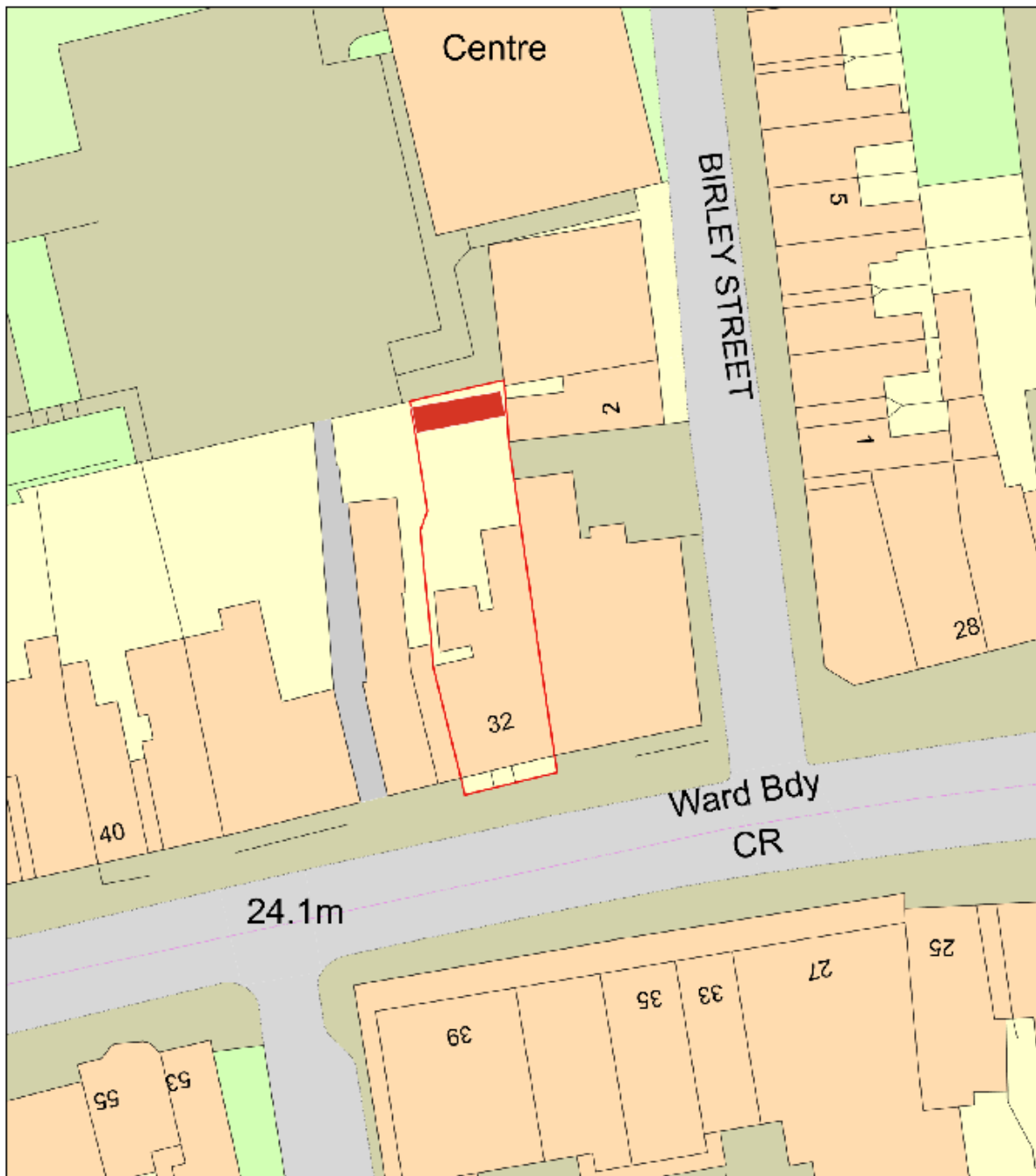
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

2. Within three months of the date of this permission the timber elevations of the outbuilding hereby

approved shall be consistently stained in a dark colour finish, details of which are to be submitted to and approved by the Local Planning Authority prior to its application onto the outbuilding' elevations. The building shall remain in this condition thereafter.

Reason: To ensure an appropriate material finish which is sympathetic to the character of the site and its surroundings in accordance with the requirements of Fylde Local Plan to 2032 policies ENV5 and GD7 and the National Planning Policy Framework.



**Item Number:** 2

**Committee Date:** 05 January 2022

<b>Application Reference:</b>	21/0628	<b>Type of Application:</b>	Listed Building Consent
<b>Applicant:</b>	Mr McDonald	<b>Agent :</b>	
<b>Location:</b>	BULLHORNS SMOKEHOUSE, 32 POULTON STREET, KIRKHAM, PRESTON, PR4 2AH		
<b>Proposal:</b>	LISTED BUILDING CONSENT ERECTION OF SINGLE STOREY TIMBER SHELTER TO PROVIDE COVER FOR EXTERNAL FOOD 'SMOKERS'		
<b>Ward:</b>		<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	18	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Application Deferred by Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

See Update Report in item 1 for information on this application also. The report below is exactly as presented to 8 December 2021 meeting.

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This application site is a commercial property located in on Poulton Street in Kirkham and so is in the designated town centre area of the settlement and trades as a restaurant. In this case the property is Grade II listed and is in the conservation area. It is surrounded by other commercial properties to the sides and opposite, with the car park associated with Kirkham Community Centre to the rear. A pedestrian walkway between the car park and Poulton Street runs alongside this property.

This application seeks listed building consent for a timber outbuilding that has been erected in the rear curtilage of the property, and accompanies a planning application which precedes it on this agenda. The building is used for the smoking of food on a series of grill/ovens to be served in the 'Bullhorns Smokehouse' eatery which occupies the ground floor of the building.

The building is a detached structure that sits to the very rear of the curtilage to the site and is largely constructed in timber. Whilst it is prominent from the car park and walkway it is not visible from the Poulton Street aspect and is considered to cause less than significant harm to the character, appearance and setting of the listed building. It brings some public benefits by contributing to the continuing viability and vitality of both the business and Kirkham town centre. These are considered to outweigh the less than substantial harm caused to the listed building's setting and so ensures that listed building consent can be granted.

### **Reason for Reporting to Committee**

The application is closely linked to application 21/0627 which relates to planning permissions for this development and is to be considered by Committee due to a Town Council objection. Given the similarity of the assessment of the applications it is considered appropriate to present this listed building consent application to Committee alongside the planning application.

### **Site Description and Location**

This application relates to a three storey Grade II listed building located on the northern side of Poulton Street and within a primary shopping frontage of Kirkham town centre. The property is in the middle of a terrace of three buildings and backs onto the higher level of the Mill Street Car Park and the rear garden incorporates a steep descent from the car park level to that at the rear of the building. The current use of the premises is as a restaurant at ground floor and residential in the upper two floors.

The surrounding area is a mix of commercial units at ground floor with residential accommodation above many of them.

### **Details of Proposal**

Listed building consent is sought for the construction of a single storey timber shelter within the rear curtilage of the premises. This is designed to provide cover for food smokers used for the preparation of food served in the restaurant. The shelter is located against the rear curtilage boundary with Mill Street car park, has a 2.6 metre high flat roof, and a ground footprint measuring 6.3 metres by 2.5 metres. It has a natural finish timber appearance.

An application for planning permission (21/0627) has been submitted relating to this development and precedes this application on the agenda

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
06/0232	LISTED BUILDING CONSENT FOR SINGLE STOREY REAR EXTENSIONS, PROPOSED DISABLED ACCESS IMPROVEMENTS AND BASEMENT SEATING / DINING REFURB.	Granted	28/07/2006
06/0231	PROPOSED SINGLE STOREY REAR EXTENSIONS, PROPOSED DISABLED ACCESS IMPROVEMENTS AND BASEMENT SEATING / DINING REFURB.	Granted	28/07/2006
03/0567	COVERED SEATING AREA TO REAR	Granted	06/08/2003
02/0323	RETROSPECTIVE APPLICATION FOR ADVERTISEMENT CONSENT FOR 2 NO EXTERNAL BANNER SIGNS	Granted	19/11/2002
02/0322	CHANGE OF USE OF OFFICES TO MIXED USE OF OFFICES (A2), DELICATESSEN (A1) AND ANCILLARY CAFE (A3)	Granted	05/07/2002
02/0325	LISTED BUILDING CONSENT FOR DEMOLITION OF INTERNAL WALLS ON GROUND FLOOR ONLY TO CONVERT OFFICES INTO RETAIL OUTLET	Granted	25/06/2002



### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Kirkham Town Council** notified on 06 September 2021. Whilst there has been an exchange of emails with the Town Council Clerk regarding the nature of the application, no formal comments have been received. It appears that some members of the Town Council understood that the building could be used to provide accommodation for customers wishing to smoke. In fact its use is to house 'smokers' used in food preparation at the premises.

No formal comments on the merits of the application have been received at the time of report preparation, but any that are received will be brought to Committee attention as part of the late observations report.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Heritage)**

No comments received.

### **Neighbour Observations**

<b>Neighbours notified:</b>	06 September 2021
<b>Site Notice Date:</b>	16 September 2021
<b>Press Notice Date:</b>	09 September 2021
<b>Number of Responses</b>	None

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
ENV5	Historic Environment

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Listed Building

### **Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Comment and Analysis**

The preceding planning application (21/0627) requires the consideration of the full range of planning

matters. However, this application relates solely to the issues raised by the listed building legislation, which in this case is limited to the impact of the building on the setting of the listed building that it is sited in the curtilage of. This assessment is identical to that undertaken for the related planning application and is repeated here verbatim to the content of that report.

#### Impact on the Listed Building – Legislative Background

The subsection to policy ENV5 relating to Listed Buildings indicates that *“Fylde’s listed buildings and their settings will be conserved and, where appropriate, enhanced. A proposed development which results in any harm to or loss of the significance of a listed building and / or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal. Proposals will only be granted in exceptional circumstances where they can be clearly justified in accordance with national planning guidance on heritage assets.”* The subsection then sets out a series of criteria that developments affecting listed buildings and their settings should satisfy in order to demonstrate compliance with the policy.

NPPF paragraph 202 states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

- *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

#### Impact on the Listed Building – Assessment

The development for which retrospective permission is sought comprises a single storey building of timber construction sited alongside, and parallel to, the rear curtilage boundary. In this regard it pays little respect to the host building which is a townhouse scale property over three floors with a brick frontage traditional detailing. The application building is well separated from the listed building and so has no impact on that structure, but does have an impact on its setting and so there is a need to assess that in the determination of this application for planning permission and the application for listed building consent which accompanies it. Having undertaken that assessment officers are satisfied that the impact is an acceptable one, with the following reasoning supporting that view.

Firstly there is the context of the building. Planning permission (ref. 06/0231) and listed building consent (ref. 06/0232) were granted in 2006 for the construction of single storey rear extensions and formation of an outdoor seating area within the rear curtilage. These permissions have been implemented and whilst there are some minor discrepancies between the extensions as approved and extensions as built the essential form and appearance of the approved development has been implemented. Hence the timber building for which consent is now sought is viewed against the context of these relatively recent and modern appearing rear extensions and outdoor seating area.

Secondly there is the nature of its construction. As a timber building it is not of a permanent construction, and whilst there is no indication in the application that it is intended to remain on site for a temporary period, it is likely that in the longer term the building will not remain on site as the

use of the building continues to evolve in the future.

Thirdly, its use is clearly designed to support the restaurant use of the premises. The hospitality sector has seen particular challenges as a consequence of the Covid pandemic and has had to evolve to react to those challenges. This has resulted in more space being required to sit the same number of covers internally, and more use of external space for dining. The building is designed to allow some of the cooking at the site to be undertaken externally to the host building to free up space within the building, and to serve the external diners. It is also to host bulky equipment that could less readily be accommodated within the more constrained facilities of the listed building without their alteration.

Finally, the continued trading of the premises brings public benefits, both in the occupation of the building ensuring it remains in a maintained state, and in the additional to the vitality of the town centre that its occupation can only contribute positively to.

The listed building legislation set out above requires that an assessment of a proposal such as this is to be made regarding whether it is harmful, and if so the level of any harm. In this case the proposal does lead to some harm, but this is adjudged to be the 'less than substantial harm' that is set out in para 202 of NPPF. In such cases the of harm is to be weighed against the public benefits of the development. For the reasons set out above, particularly that the building supports the on-going trading from the site with a structure that leads to no harm to the building itself and limited harm to its setting, it is considered that proposal satisfies the requirements of para 202 of NPPF. This test is essentially that required by Policy ENV5 in respect of the impact of development on the setting of a listed building, and so it is officer conclusion that the impact of the development on the listed building is an acceptable one that is in accordance with local policy and national guidance despite the contrary views on that aspect of the Town Council.

### **Conclusions**

This application relates to a timber outbuilding erected in the rear curtilage of a listed building. Having viewed the outbuilding and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032, and the NPPF. Accordingly, the application is recommended for approval.

### **Recommendation**

That listed building consent be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
  - Location Plan - Drawing no. 101 Rev A
  - Site Plan - Drawing no. 101 Rev A
  - Plans & Elevations - Drawing no. 101 Rev A

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

**Item Number:** 3

**Committee Date:** 05 January 2022

<b>Application Reference:</b> 21/0930		<b>Type of Application:</b> Listed Building Consent	
<b>Applicant:</b>	Fylde Borough Council	<b>Agent :</b>	The Paul Hogarth Company
<b>Location:</b>	MARKET SQUARE, CHURCH STREET, KIRKHAM, PRESTON, PR4 2SD		
<b>Proposal:</b>	LISTED BUILDING CONSENT FOR WORKS TO THE FISHSTONES AND LAMP POST AS PART OF A WIDER PUBLIC REALM IMPROVEMENT SCHEME: 1) RELOCATION AND RESETTING OF THE FISHSTONES AND LAMP POST 1.5M TO THE SOUTH WEST, 2) REINSTATEMENT OF SUPPORTING LEG, 3) UPLIGHTING BENEATH FISHSTONES, 4) RE-PAINTING OF LAMP POST.		
<b>Ward:</b>		<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Need to determine at Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

This Listed Building Consent application relates to the Fishstones and Lamp which is located to the south of Market Square within Kirkham Town Centre.

The Fishstones date back to 1829 and are flat slabs of stone set on stone uprights to form two semi-circular counters from which fish was sold on market days. In the centre of these stands a cast iron lamppost, originally placed there in 1872, subsequently removed and then reinstated in 1982. The lamppost has a richly decorated base, with a fluted shaft that supports a lamp.

They are sited within the wider town centre area that is subject to the public realm improvement works proposed under planning application 21/0937 on this agenda, but as they are a Grade II listed structure then a separate application for listed building consent is required for the works that are specifically proposed to this structure.

The context for the application is that land levels in vicinity of the Fishstones have become raised over time, and currently obscure the lower portions of the structure from view. This is presumably as a consequence of works to provide the roundabout, and has led to the lower portion of the vertical supports located beneath the circular stones now being largely buried.

This current application seeks consent to relocate the Fishstones and Lamp, approximately 1.5m in a south westerly direction as part of the wider scheme of public realm enhancements. The proposal includes re-setting of the Fishstones to their original height, and adding low lux lighting beneath the circular stones so as to illuminate the feature from

below. The lamppost will be painted a dark green colour as per applicant agreement with the Town Council.

The proposal will reveal portions of the Listed Structure that have been covered by hard surfacing in recent years, and whilst it is moved a small distance from its current location it will maintain its close historical association to Market Square. The applicant advises that the Fishstones have been relocated previously and are not therefore presently in their original position, which adds weight in support of the relocation.

The wider scheme of public realm enhancements that the Listed Building works facilitate will have significant regeneration benefits for this part of the Town and Conservation Area by providing for an enhancement of the public realm and improving the vitality and viability of the Town Centre, to the benefit of residents, businesses, shoppers and tourists alike.

English Heritage and LCC Archaeology raise no objection to the proposals.

The development is not considered to introduce any adverse impact to the Listed structure, but will act to better reveal the significance of the asset. The scale of harm to the designated heritage assets is therefore considered to be low if there is actually any harm at all, and this is clearly outweighed by the significant public benefit associated to the wider scheme of public realm enhancement and the improvement to the setting of the Fishstones and lamp itself.

The proposal is considered to accord with the Fylde Local Plan to 2032 (Incorporating Partial Review) and NPPF21, and therefore listed building should be granted.

### **Reason for Reporting to Committee**

The application is closely related to the wider public realm application on this agenda which is included due to the council's involvement and as it involves a major scale development.

### **Site Description and Location**

The site relates to the Fishstones and Lamppost which is a Grade II Listed Building. The structure is located to the south of Market Square, centrally within the Kirkham Town Centre and Conservation Area.

Land levels adjacent to the Listed structure have been raised as a result of historic road realignment as well as resurfacing in the vicinity, which has led to the lower portions of upright supports being obscured from view.

The Historic England listing for the structure confirms '*Dating back to 1829, the Fishstones are flat slabs of stone set on stone uprights to form two semi-circular counters from which fish was sold on market days. In the middle stands a cast iron lamppost, originally placed there in 1872, subsequently removed and then reinstated in 1982. The lamppost has a richly decorated base, fluted shaft supporting a lamp.*'

### **Details of Proposal**

The works proposed are part of a much wider scheme of public realm enhancements within Kirkham Town Centre and Conservation Area (ref: 21/0937) that relate to Market Square, Poulton Street,

Preston Street, Freckleton Street and Church Street.

To facilitate the public realm works within Market Square, the Fishstones and Lamppost are to be relocated approximately 1.5m in a south westerly direction. The current proposals include that relocation, the re-setting of the Fishstones to their original height, and the provision of lighting beneath the stones. The lamppost appearance will be retained as it is other than a repair to one of the legs and it is to be coloured a dark green.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
21/0931	Listed Building consent to straighten the lean of a telephone box within the front forecourt area of 20 Poulton Street, Kirkham.	Pending	
21/0937	Public realm enhancement works.	Pending	

#### **Relevant Planning Appeals History**

None

#### **Parish/Town Council Observations**

**Kirkham Town Council** were notified of the application on 15 October 2021. Their comments are provided in a collective response which relates almost exclusively to the matters involved in the wider public realm scheme. As such they are reported in full as part of the report on that application. The only reference to the fishstones is a comment that:

*"Fish stones - Agreed."*

#### **Statutory Consultees and Observations of Other Interested Parties**

##### **Historic England**

In respect of the consultation on this application Historic England state:

*"Thank you for your letter of 15 October 2021 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser"*

They have also made more detailed comments on the wider public realm application which are included in full in the report on that application. Those comments recognise the works include the re-siting of the fishstones and conclude that they:

*"support and welcome the positive proposals to improve the public realm of Kirkham's Conservation Area which would improve the character and appearance of the designated heritage asset".*

They then highlight that the council will need to update the List entry for the relocated Fishstones and Lamp to reflect their new positions, and provide contact details for that.

## National Amenity Societies

No comments have been received from any of the specific amenity societies, with The Georgian Group being the society that would have most direct interest in this structure as it dates from the latter stages of that period.

## Lancashire County Council Archaeology

*"No objection subject to condition requiring a programme of archaeological work during construction. The condition requires monitoring of excavations below the level of the bedding for current surfaces and the recording and excavation of any archaeological features."*

*The settlement of Kirkham is first recorded in Domesday Book of AD 1066, although the name is of earlier derivation, possibly a Viking period corruption of an Anglo-Saxon name denoting a settlement with a church and there are local traditions of a church being built on the site of the Roman fort at Dowbridge in AD 650 although to date there is no archaeological or early documentary evidence for this.*

*The main Roman occupation known is outside the area of the proposals, the fort and external settlement being in the area of Dowbridge although one road leading from the fort may be below the current main street of the town of Kirkham, that is Preston and Poulton Streets. There is also a hint, from archaeological evaluations, of Roman material being present below parts of the area of the town centre although later development of the town has caused significant disturbance and destruction to any deposits of this date.*

*The current layout of Kirkham town centre largely stems from the granting of borough status and a market charter in AD 1296 when the market place and "burgage plots", long narrow strips of land running from the main roads and each occupied by the house and work premises of a burgess of the new borough. The road lines and property boundaries have proved resilient over the ensuing centuries of development and redevelopment of buildings in the town centre and the expansion of the settlement beyond the boundaries of the original borough.*

*The area affected by the proposed upgrades and changes to the public realm lie in the area of the medieval marketplace and the original streets serving the borough. Although most of the proposed works will likely have little impact on any archaeological deposits or features buried below the modern town, replacing surfaces, for example, probably impacting mainly on the layers laid down for the creation of the existing surfaces in the 20th century, some of the proposals, such as the re-profiling of the market place to provide a more level surface, are likely to penetrate below 19th and 20th century layers and will potentially impact on deposits and features relating to the medieval borough and any earlier human activity in the area. There is, for example, the possibility of revealing and disturbing elements of the Roman road if it follows approximately the line of the main modern streets.*

*We note that the proposed works to the listed structures are accompanied on the Master Plan drawings (Drawing No 102, the Paul Hogarth company) have the annotation: "As part of this scheme it is proposed to undertake works to 2 Listed structures. These works will be done through agreement with Historic England and with an archaeologist onsite during all excavation and re-setting works. The archaeologist must be certified and from an organisation registered with the Chartered Institute for Archaeologists". While this approach is to be applauded as the designers are taking into account*

*consideration of the historic environment, we would advise that the approach of monitoring works should be applied more widely to the scheme. As the Listed structures are Listed as Grade II Historic England are likely to refer these to the Local Authorities own Conservation Officer or Conservation Advisor. As there may, as described above, be considerably more areas of the proposed development that have archaeological significance and potential that just the areas occupied by the listed structures which are both relatively late by comparison with the long historic of occupation and activity I the core of the historic borough. A more comprehensive approach to the historic environment can be secured by making any permissions for the Listed Buildings and for the wider scheme conditional.”* They then suggest the wording for a condition.

#### **Lancashire County Council Highways**

No objection.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	15 October 2021
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	22 October 2021
<b>Press Notice Date:</b>	21 October 2021
<b>Number of Responses</b>	No comments seem to directly relate to this application, but 6 objections have been received to the wider public realm scheme and include matters that could be relevant to this application.

#### **Summary of Comments**

##### Land ownership:

objection to works being carried out to market Square, including Fish Stones, benches and cobble stone relocation/ removal on grounds of ownership of sub soil, mines and minerals stallage within the boundary of Kirkham unless sold or leased.

##### Fish Stones:

Relocation damages Kirkham’s history and must be stopped, the stones and their siting are just as important.

Fish Stones [lamp] should not be painted blue, but Brunswick green which is the colour of Kirkham Town Council adopted for all street furniture, and LCC have painted lampposts to match.

#### **Relevant Planning Policy**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the ‘FLP’) was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies



within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

**Fylde Local Plan to 2032 (incorporating Partial Review):**

ENV5	Historic Environment
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**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Comment and Analysis**

**Policy Background**

FLPPR Policy ENV5 states that Listed Buildings will be conserved, and where appropriate, enhanced. Development that results in harm to a listed building should be refused.

NPPF21 paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 199 requires great weight to be given to the asset's conservation.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and substantial harm or loss of Grade II Listed Buildings should be exceptional.

Paragraph 201 states that local planning authorities should refuse development that results in substantial harm to designated heritage assets, unless outweighed substantial public benefit.

Paragraph 202 states that less than substantial harm should be weighed against the public benefit of the development.

**Listed Building Consent Assessment**

This application assesses how the proposed relocation and other minor works to the Fishstones and Lamp could impact on their historical or architectural interest as a Grade II Listed Building.

The works to Market Square require relocation of the Fishstones and Lamppost, with this being approximately 1.5m in a south westerly direction. Low lux lighting will be added beneath the circular

stones so as to illuminate the feature from below. The lamppost will be painted a dark green colour as per applicant agreement with the Town Council.

The proposal will reveal portions of the Listed Structure that have been covered by hard surfacing, and whilst the structure will be relocated, this is a small distance from its current location and maintains its close historical association to Market Square. The applicant advises that the Fishstones have been relocated on several occasions and are not therefore presently in their original position. This adds weight in support of the relocation, as does the limited extent of the movement which is minimal and ensures that the fishstones remain at a focal point of the Market Square which is the key feature in their historical purpose and so heritage value. This relocation therefore raises no objection. Furthermore, there is an improvement over the existing situation as the Fishstones are to be set to their original level and appearance, revealing the portions of the structure that are presently below ground.

The wider scheme of public realm enhancements that the Listed Building works facilitate will have significant regeneration benefits for this part of the Town and Conservation Area. Providing for an enhancement of the public realm and improving the vitality and viability of the Town Centre, to the benefit of residents, businesses, shoppers and tourists alike.

English Heritage and LCC Archaeology raise no objection to the proposals.

In summary, the development will not harm the setting of, or Listed Buildings themselves. The scale of harm to the designated heritage assets is therefore considered to be low, and this harm, in any event is outweighed by the significant public benefit associated to the scheme.

### **Conclusions**

Relocation of the Fishstones is necessary to facilitate enhancement of Market Square which forms part of a wider scheme of public realm works within Kirkham Town Centre and the Conservation Area.

The development is not considered to harm the Listed Building and will better reveal the significance of the asset. The scale of harm to the designated heritage assets is therefore considered to be low, and this harm, in any event is outweighed by the significant public benefit associated to the wider scheme of public realm enhancement, in accordance with FLPRR Policy ENV5 and NPPF21.

### **Recommendation**

That Listed Building Consent be GRANTED subject to the following conditions:

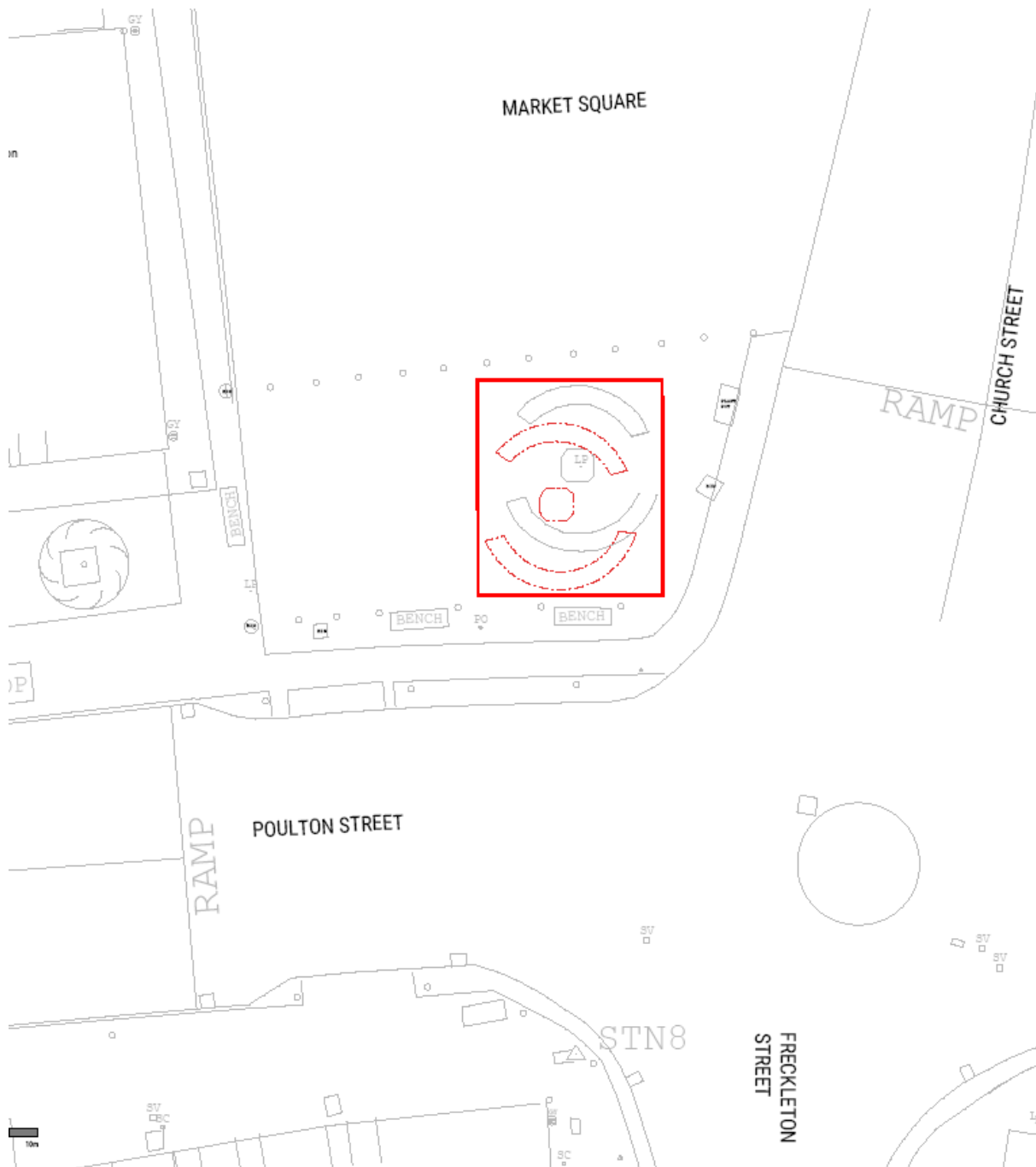
1. The development must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This permission relates to the following plans:

- Location Plan drawing reference 1409 104 revision P01.
- Existing Fishstones and Lamp drawing reference 1409 902 revision P00.
- Proposed works to Fishstones and Lamp drawing reference 1409 903 revision P00.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.



**Item Number:** 4

**Committee Date:** 05 January 2022

<b>Application Reference:</b>	21/0931	<b>Type of Application:</b>	Listed Building Consent
<b>Applicant:</b>	Fylde Borough Council	<b>Agent :</b>	The Paul Hogarth Company
<b>Location:</b>	MARKET SQUARE, CHURCH STREET, KIRKHAM, PRESTON, PR4 2SD		
<b>Proposal:</b>	LISTED BUILDING CONSENT FOR WORKS TO LISTED PHONE BOX AS PART OF WIDER PUBLIC REALM IMPROVEMENT SCHEME: 1) PHONE BOX TO BE LIFTED AND RESET TO REMOVE EXISTING LEAN, 2) RE-PAINTING, AND 3) REPAIRS TO DAMAGE AND DETERIORATION		
<b>Ward:</b>		<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Need to determine at Committee		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This Listed Building Consent application relates to the Telephone Box which is Grade II listed and is located in the front forecourt area of 20 Poulton Street in Kirkham town centre.

The works to the telephone box are limited, and extend to straightening the lean that is a consequence of subsidence within the structure's foundation pad. It is also to be painted and have a series minor repairs undertaken. The works proposed are referenced within the Kirkham Public realm planning application (ref: 21/0937), though are for visual improvement reasons only, and are not required to facilitate the public realm scheme per se.

The proposal will ensure that the listed structure is realigned as per its original appearance. It will not cause any harm to the Listed Building and will have a positive impact on it as a designated heritage asset.

English Heritage and LCC Archaeology raise no objection to the proposals.

The proposal is considered to accord with the Fylde Local Plan to 2032 (Incorporating Partial Review) and NPPF21, and officer recommend that listed building consent be granted.

**Reason for Reporting to Committee**

The application is closely related to the wider public realm application on this agenda which is included due to the council's involvement and as it involves a major scale development.

### **Site Description and Location**

The site relates to a Telephone Box within the front forecourt area of 20 Poulton Street in Kirkham. The telephone box, not the property, is Grade II listed as well as being located in the defined Kirkham Town Centre and Kirkham Conservation Area. The listing entry states:

*Telephone kiosk, Type K6. Designed 1935 by Sir Giles Gilbert Scott. Made by various contractors. Cast iron. Square kiosk with domed roof. Unperforated crowns to top panels and margin glazing to windows and doors.*

The telephone box is not operational and has an existing lean that is resultant from subsidence within its foundation pad.

### **Details of Proposal**

The development proposes to straighten the lean that the telephone box presently has. As part of this it is to be repainted in the existing and traditional red colour and have minor repairs undertaken.

The proposals are referenced within the current planning application for the public realm works within Kirkham Town Centre (ref: 21/0937). Though it is understood that the specific works in the application are purely aesthetic to rectify the lean and are not required to facilitate the public realm works.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
21/0930	Listed Building consent for works to the Fishstones and Lamppost.	Pending	
21/0937	Public realm enhancement works.	Pending	

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Kirkham Town Council** were notified of the application on 15 October 2021. Their comments are provided in a collective response which relates almost exclusively to the matters involved in the wider public realm scheme. As such they are reported in full as part of the report on that application. The only reference to the Telephone Box is a comment that:

*Telephone Box - Town Council has no objection to this application.*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Historic England**

In respect of the consultation on this application Historic England state:

*"Thank you for your letter of 15 October 2021 regarding the above application for listed building consent. On the basis of the information available to date, in our view you do not*

*need to notify us of this application under the relevant statutory provisions.”*

They have also made more detailed comments on the wider public realm application which are included in full in the report on that application. Those comments do not make any reference to the telephone box and it seems clear that they have no adverse comments on this element of the wider scheme.

#### **National Amenity Societies**

No comments have been received from any of the specific amenity societies.

#### **Lancashire County Council Archaeology**

They have provided quite detailed commentary on the public realm application, but make no specific observations on the works to the telephone box.

#### **Lancashire County Council Highways**

No objection.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	15 October 2021
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	22 October 2021
<b>Press Notice Date:</b>	21 October 2021
<b>Number of Responses</b>	Whilst 6 objections have been received on the wider public realm application there are no specific comments on this element to report.

#### **Relevant Planning Policy**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the ‘FLP’) was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector’s report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

**Fylde Local Plan to 2032 (incorporating Partial Review):**

ENV5

Historic Environment

**Other Relevant Policy:**

NPPF:

National Planning Policy Framework

NPPG:

National Planning Practice Guidance

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Comment and Analysis****Policy Background**

FLPPR Policy ENV5 states that Listed Buildings will be conserved, and where appropriate, enhanced. Development that results in harm to a listed building should be refused.

NPPF21 paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 199 requires great weight to be given to the asset's conservation.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and substantial harm or loss of Grade II Listed Buildings should be exceptional.

Paragraph 201 states that local planning authorities should refuse development that results in substantial harm to designated heritage assets, unless outweighed substantial public benefit.

Paragraph 202 states that less than substantial harm should be weighed against the public benefit of the development.

**Listed Building Consent Assessment**

It is proposed to straighten the lean that the existing telephone box has, consequent from subsidence within the structure's foundation pad. The works proposed are referenced within the Kirkham Public realm planning application, though are reported to be for visual improvement reasons only, and are not required to facilitate the public realm scheme.

The proposal will ensure that the listed structure is realigned as per its original appearance, repainted and see minor repairs carried out. The development would not result in harm to the Listed Building and would have a positive impact on the heritage asset, its setting, and its contribution to the streetscene and conservation area.

English Heritage and LCC Archaeology raise no objection to the proposals, and the inclusion of this work within the wider public realm project is undoubtedly beneficial to the listed structure and that project.

**Conclusions**

The Listed building application seeks to realign the telephone box as per original setting, thereby

having a positive impact on it as a heritage asset. The works are in accordance with FLPRR Policy ENV5 and the relevant aspects of NPPF21 quoted above.

### **Recommendation**

That Listed Building Consent be GRANTED subject to the following conditions:

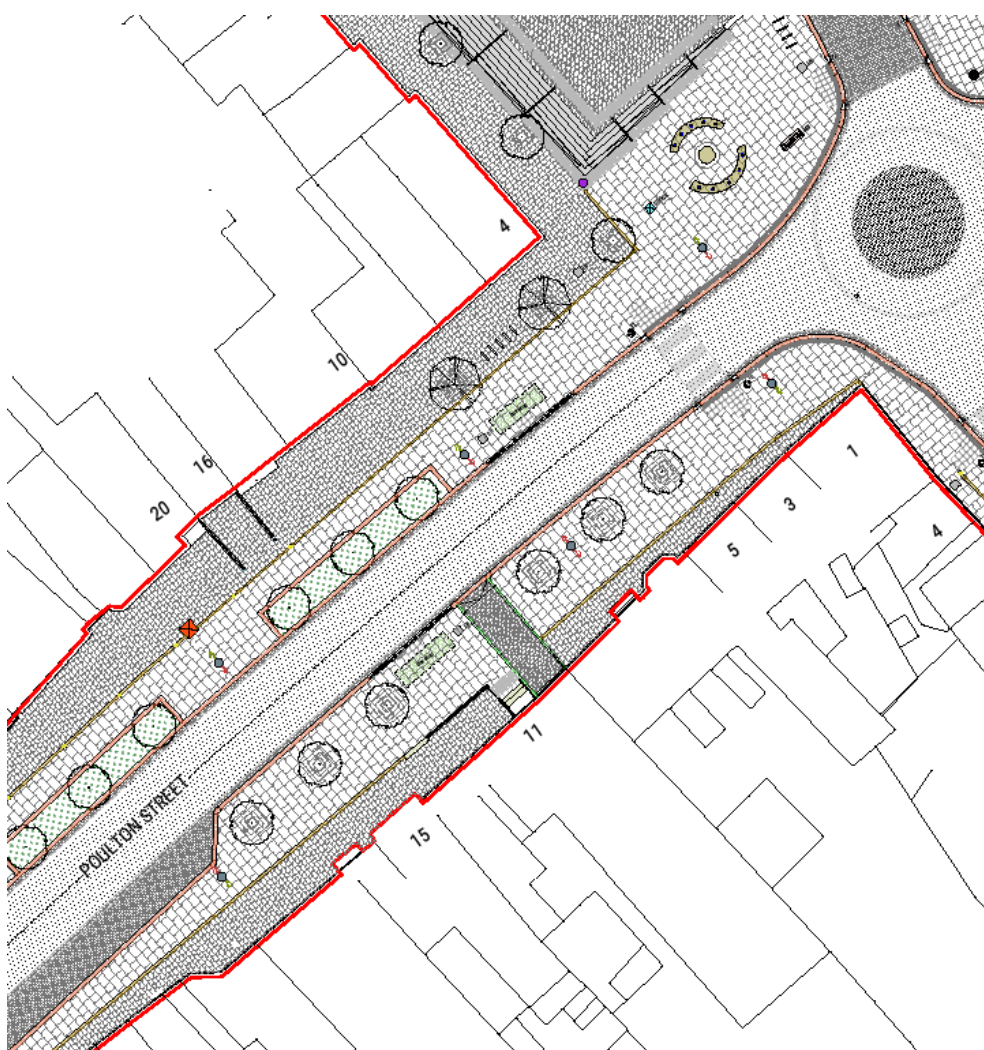
1. The development must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This permission relates to the following plans:

- Location Plan - Project 1409 Drawing 105 Revision P01.
- Proposed works to Telephone Kiosk - Project 1409 Drawing 901 Revision P00

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (Including Partial Review) and National Planning Policy Framework.





**Item Number:** 5

**Committee Date:** 05 January 2022

<b>Application Reference:</b>	21/0937	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Fylde Borough Council	<b>Agent :</b>	The Paul Hogarth Company
<b>Location:</b>	MARKET SQUARE, CHURCH STREET, KIRKHAM, PRESTON, PR4 2SD		
<b>Proposal:</b>	PUBLIC REALM IMPROVEMENT WORKS TO INCLUDE 1) AN ENHANCED MARKET SQUARE CIVIC SPACE, 2) UPGRADE OF STREETSCAPE TO INCLUDE NEW HIGH QUALITY SURFACING, 3) RATIONALISATION OF PARKING WITH DEFINED PARKING/LOADING BAYS INTRODUCED, 4) UPGRADED STREET FURNITURE INCLUDING NEW CYCLE STANDS, LIGHTING AND TREE PLANTING.		
<b>Ward:</b>		<b>Parish:</b>	Kirkham
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Not applicable		
<a href="#">Click Here</a> for application site on Google Maps		<a href="#">Click here</a> for application on FBC website	

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The proposal relates to a series of public realm works within Kirkham Town Centre. The works are wholly within the Conservation Area, focussed on Market Square as well as roads, footpaths and forecourts along parts of Poulton Street, Preston Street, Freckleton Street and Church Street.

The scheme represents Phase 1 of a programme of wider public realm improvements being carried out within Kirkham Town Centre, as part of the Kirkham Futures initiative. Funding for Kirkham Futures has been awarded under two separate programmes, namely the Future High Street Fund and the High Street Heritage Action Zone (HSHAZ). Phase 1 is majority funded by the HSHAZ which ring fences works to designated heritage areas. Accordingly, this first phase is focussed on the Conservation Area with future phases of public realm improvement proposed across the wider town centre as part of the overall project.

The scheme has evolved through a number of public consultation events and individual meetings with various stakeholders, and includes:

- Enhancement of Market Square, including removal of parking, creation of an event space with a stepped seating arrangement and sandstone paving.
- Narrowing and re-alignment of roads.
- Re-surfacing of all pavements and front forecourt areas using sandstone paving.
- Ginnel improvement to eastern portion of Mill Street car park, including DDA compliance, re-surfacing and lighting.
- Tree planting along Poulton Street, Preston Street and Market Square.
- Retention/ new provision of on street parking.

- New zebra crossing points on Poulton Street and Freckleton Street, located adjacent to the existing roundabout.
- Replacement lighting columns to be coloured dark green as agreed with the Town Council.

Proposals for Market Square require the Fishstones and Lamppost to be relocated approximately 1.5m in a south westerly direction. The lamppost will be coloured dark green as per dialogue with the Town Council. The lean of a Listed Phone Box located within the front forecourt area of 20 Poulton Street will also be rectified. Separate Listed Building Consent applications (ref: 21/0930 and 21/0931) have been submitted for these alterations.

The scheme will provide consistency of hard landscaped materials and an enhanced appearance of street scenes to the heart of the town. The removal of parking from Market Square and levelling of its surface, along with hard and soft landscaping of that area, will greatly enhance the visual aesthetic of this focal point within the Town Centre and provide for a more usable event space. The works will greatly improve the public realm and enhance the visual attractiveness of Kirkham Town Centre and Conservation Area, and would not undermine the Listed Buildings or their setting.

The development provides for an acceptable relationship to neighbours and would have no adverse impact on highway safety.

It is envisaged that these works will act as a catalyst for new business, reduce vacancy rates and encourage increased footfall into the Town Centre. Approval will therefore have significant regeneration benefit for this area of Kirkham Town Centre, enhancing the vitality and vibrancy of the Centre as a whole, whilst supplementing Kirkham's leisure, culture and tourism qualities.

The proposal is considered to accord with the Fylde Local Plan to 2032 (Incorporating Partial Review) and NPPF21, and therefore represents sustainable development, and the officer recommendation is that Members grant planning permission.

### **Reason for Reporting to Committee**

The application is for 'major development' that is being coordinated by Fylde Council and so it is necessary to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application site lies primarily within Kirkham Town Centre and relates to the pavement and front forecourt areas around Market Square. This includes areas along Poulton Street, along Preston Street in an easterly direction to Hill Croft, Market Square itself, as well as portions of Birley Street, Freckleton Street and Church Street where these branch from Poulton Street.

Premises within the application site are located either immediately to the back of footpath, or set behind front forecourt areas that are used by some businesses for external sale of goods and outdoor dining. The surfacing of pavements and forecourts is a mix of different materials including coloured block paving, concrete paving slabs, granite sets and tarmac. Market Square is primarily used as a car park (20 spaces) by local businesses and the Health Centre adjacent and holds a weekly market as well as other events throughout the year, including the Christmas light switch on. Street

furniture including lighting columns and bollards are of a traditional appearance and coloured green, being bespoke to Kirkham Town Centre.

The scheme lies wholly within the Kirkham Town Centre Conservation Area.

There are two Listed structures within the application site that are physically affected by the development proposals, namely the circular Fishstones and Lamppost located to the junction of Poulton Street/ Church Street, and a Telephone Box within the forecourt area of 20 Poulton Street. Separate Listed Building Consent applications have been submitted for the works affecting these structures (ref: 21/0930 and 21/0931).

### **Details of Proposal**

The scheme represents Phase 1 of a wider scheme of public realm improvements being carried out within Kirkham Town Centre, as part of the Kirkham Futures programme. Funding for Kirkham Futures has been awarded under two separate programmes, namely the Future High Street Fund (FHSF) and the High Street Heritage Action Zone (HSHAZ). Phase 1 of the public realm works is majority funded by the HSHAZ which ring fences works to designated heritage areas. Accordingly, this first phase is focussed on the Conservation Area due to the funding streams available, but it is proposed that future phases of public realm improvements will be delivered across the wider town centre as part of the overall project.

The scheme has been developed by consultants acting on behalf of the Council and has evolved through a number of public consultation events. This included two public events within Market Square as well as on-line Team/ Zoom meetings with individual groups. The events were publicised on the internet and local free sheet that was posted through all doors in Kirkham and Wesham.

The planning application seeks consent for enhancement of the public realm and includes the following works:

- Enhancement of Market Square, including removal of parking, reduction of levels to create an event space with a stepped seating arrangement and sandstone paving.
- Narrowing and re-alignment of roads.
- Re-surfacing of all pavements and front forecourt areas using sandstone paving.
- Ginnel improvements to eastern portion of Mill Street car park, including DDA compliance, re-surfacing and lighting.
- Tree planting along Poulton Street, Preston Street and Market Square.
- Relocation of parking on Poulton Street from the north to the south side of the road.
- Provision of on street parking on Preston Street, Church Street (disabled, doctors, loading) and Freckleton Street.
- New zebra crossing points on Poulton Street and Freckleton Street, located adjacent to the existing roundabout.
- Provision of bike and scooter stands.
- Replacement lighting columns to be coloured green.

The scheme has evolved through a series of workshop events, and has been revised during its consideration to reflect feedback from consultees and residents. These changes have removed 4 trees (1 on Church Street and 3 on Preston Street) from the scheme due to conflicts with servicing and access to a building (Hill Top). In addition, the colour of painted elements has been altered from blue to dark green, as per agreement with Kirkham Town Council. The revised layout also indicates retention of 1 memorial bench adjacent to the Fishstones and the relocation of 2 remaining

memorial plaques to proposed new seating adjacent to Market Square. It is understood that the retained memorial bench is resultant from discussion with the relevant Family, and that relocation of the 2 other memorial plaques to new benches is proposed as relevant Families cannot be presently found. This strategy to the memorial benches may change subject to contact with Families and agreement being made about how best to progress.

To facilitate works associated to Market Square, the Fishstones and Lamppost is to be relocated approximately 1.5m in a south westerly direction. Existing land levels adjacent to the Fishstones have become raised over the years as a result of historic road realignment as well as resurfacing in the vicinity. The current proposals include re-setting of the Fishstones to their original height, as well as under lighting. The lamppost appearance and green colour will be retained. The proposals also include works to a Listed Phone Box located within the front forecourt area of 20 Poulton Street. Subsidence has resulted in a visible lean to this structure which is proposed to be rectified through the works proposed.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
21/0930	Listed Building consent for works to the Fishstones and Lamppost.	Pending	
21/0931	Listed Building consent for works to Telephone Box within the forecourt of 20 Poulton Street.	Pending	.

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Kirkham Town Council** were notified of the application, and those for listed building consent, on 15 October 2021. Their comments are provided in a collective response, and as that relates almost exclusively to the matters involved in this wider public realm scheme, that response is provide in full here:

*Telephone Box. Town Council has no objection to this application.*

*It has been suggested by Fylde that Mill Street car park, Eagle Court car park and Kirkgate car park be put into use for the public and the Town Council ask that they are DDA compliant. The Town Council also request that all the alleyways from the car parks should also be DDA compliant and well lit to ensure safety and confidence.*

*The Town Council welcome the addition of trees to the street scene but would like to see a Condition put in place which ensures that the trees and any planting, street furniture and highway works are regularly maintained by Fylde Borough Council/County Council, whichever is the responsible body for each part of the scheme. The Town Council request that Liquid Amber trees be planted.*

*The Town Council request that an electricity point is put in place to enable events to take place at the Market Square which need to have access to electricity. It is also requested that wi-fi be put in place to enable visitors and residents to use the technology in the Market Square.*

*As it is the plan to remove planters owned by the Town Council it is requested that an area be provided in which the Town's Christmas Tree can stand during the Christmas season and that a suitable electricity supply is provided.*

*The Town Council request that appropriate high quality direction signs be installed at the Market Square and other appropriate areas of the town.*

*Eagle Court Car Park. The Town Council request that this, as well as other car parks in the town, should be well lit using solar power; highlighting how many spaces are available in each car park and that the car parks are "free of charge".*

*The Town Council very strongly make the point that if there is inadequate funding to carry out the scheme in its entirety then any grant or funding should be spent on the public realm in Poulton Street, although the Council is keen to see the whole scheme completed it does believe the High Street should be finished in full rather than left half done. The Town Council is hopeful that the County Council will provide the funding promised in March and this, as well as Government funding, agreed in support of our bid, will enable the whole scheme to be started as soon as possible.*

*The Town Council also requests that Fylde applies for the whole of Poulton Street to become part of the Conservation area, this would allow the town to apply for more grant monies from English Heritage.*

*At the present time, and for many, many years, businesses have used their forecourts on Poulton Street to set out goods and allow tables and chairs to be placed on them to enable residents and visitors to enjoy beverages, this adds to the viability and vitality of the town centre, the Town Council welcomes this and hopes to see this continue, they also welcome seats to be placed under and between trees.*

*The colour palette was discussed with the Consultant and it was agreed that the lamp posts/street furniture in the Market Square would be a colour to complement the existing colour scheme within the town and it was agreed that a very dark green be used*

*KTC would like assurances from FBC that they will maintain the plants, planters, trees in full.*

*Within the Market Square there should be a position for the Christmas Tree and an electric box/point for users of Market Square.*

*No issues with seating under the trees.*

*Car parking – Due to the proposals we will be losing a total of 30 parking spaces, 20 from Market Square and 10 from Poulton Street. We request that parking at Kirkgate be made available.*

*Appropriate signage in Market Square - in order to direct visitors to all part of our Town while the transition is taking place. The parking should as with all our car parking be free for perpetuity.*

*Seats- The Town Council notes are broadly in agreement with Fylde's, the only exception being about the Memorial benches, the Town Council would like re-assurance that the Hodgson family are in agreement with the re-installation of their bench, as stated in the notes, and that every effort will be made to accommodate Dennis Pratt and Liz Ward's benches. We welcome the fact that the Design Team will keep the Town Council fully informed.*

*Lighting- Once again, the Town Council is broadly in agreement with Fylde's notes. It was however*

*felt that the Design Team had agreed to keep them fully informed of the colours and design of the lighting before installation.*

*Lighting to all gulleys was also agreed to ensure safety and interconnection between the town centre car park and Poulton Street.*

*CCTV - Agreed.*

*POWER supplies in the square - Agreed.*

*WIFI- Agreed.*

*Colour – Agreed.*

*Preston Street - Agreed.*

*Lord of the Manor - Agreed.*

*Fish stones - Agreed.*

*Preventing Vehicular Access to market square from Poulton street- Agreed. Please note Town Council's comments regarding the loss of 30 parking spaces in the town centre and CONDITION that car parking at the Kirkgate Centre be made into public parking, free of charge in perpetuity.*

*Hillside - Agreed.*

*Kirkgate - Agreed.*

*TSB- Agreed.*

*Trees- Agreed.*

*Signage - Agreed but please note the Town Council comments about style and wording.*

*Eagle court-This does present a problem as we are to lose 30 parking spaces in the town centre as a result of the Market Square proposals, this will add to the problem as it will remove another 20 spaces which will result in the loss of 50 spaces overall in the town centre. The Town Council has agreed to work with Fylde on this to see whether any other land is available and hopefully this can be resolved.*

*PHASE 1 Birley street/Preston Street to 48 Preston street estimated cost £3.356M. Please see Town Council's comments regarding this. As you can see the Town Council wish to see the whole of Poulton Street completed in Phase 1 and Preston, Freckleton and Church Street to be part of Phase 2. It is hoped that the funding agreed by LCC will be available to complete the whole project but the Town Council feel very strongly that Poulton Street should be completed in Phase 1.*

*PHASE 2 STATION ROAD JUNCTION TO KIRKGATE, POULTON STREET EST. £1.95M. Please see comments above, we fully welcome these works but feel strongly they should be part of Phase 1.*

## **Statutory Consultees and Observations of Other Interested Parties**

### **Lancashire County Council - Highway Authority**

They have been involved in the design of the scheme and have been formally consulted on the submission. Their highway development comments are as follows:

#### **Summary**

*No highway objections to this proposal are raised with the proposed works within highway limits needing to be undertaken under a S278 agreement with LCC as LHA.*

#### **Development Proposal.**

*The Public Realm Scheme reshapes the highways on parts of Preston Street, Poulton Street, Freckleton Street and Church Street by reducing carriageway widths, increasing footway widths and the creation of parking / loading bays.*

#### **Local Highway Network**

*The roads affected by the proposal are currently subject of a 20mph speed limit and there are no proposals to change this.*

*Various waiting and loading restrictions exist on these streets which the proposal will affect. The details of what restriction will be implemented have yet to be agreed, however, this can be agreed following the granting of a planning permission during the construction period. The changes do not require a planning permission as they fall under highway legislation and not planning.*

*There are several locations on the highway which is affected by the scheme where road traffic accidents have occurred resulting in personal injuries. A total of 7 injury accident have occurred over the last 5 years. Six of the accidents resulted in slight injuries the other in serious injury. Two of the accidents resulted in slight injuries to pedestrians and 2 resulted in slight injuries to cyclists.*

#### **Development Impact.**

*Reducing carriageway width together with the altered street scene will affect driver behaviour resulting in lower vehicle speeds, making it safer for all road users. The proposed measure should also discourage unnecessary traffic from travelling through Kirkham.*

*The proposal includes the provision of formal pedestrian crossings (zebra crossings) at the points where the greatest pedestrian / vehicle conflicts will occur.*

*Public transport services should not be affected by the proposals and improved bus stops form part of the scheme.*

*In amending the carriageway widths there is always a concern that highway capacity will be reduced, particularly at junctions. The applicant has undertaken capacity assessment at the key junction (Preston Street / Freckleton Street) which shows that it will continue to operate within capacity in future years having considered predicted traffic growth (up to 2038).*

*Overall the scheme proposals are supported.*

#### Layout.

*A Road Safety Audit (RSA) has been carried out which highlighted several issues. However, in highway terms these are relatively minor and can easily be remedied without detracting from the overall proposals.*

*The proposed layout contains several trees which if not suitably sited can impact on sightlines. Regard to canopy overhang of footways and carriageways. This point was picked up in the RSA.*

*Approval in principle of the scheme is accepted however, technical approval of layout, materials, traffic regulation orders, street lighting, etc will be granted through the s278 process.*

#### Trees.

*Trees, planters and grass verges will be permitted within the adopted highway if a section 96 agreement of the 1980 Highways Act is entered with the district authority. Under the licence, the district authority will then be responsible for all future maintenance and liability of the verge; associated trees and any other features within the designated land. The licence must be signed at the same time the section 278 agreement is entered.*

#### Conclusion.

*The proposal is acceptable in terms of highway impact and as such no highway objections are raised subject to a condition relating to a construction management plan.*

### **Historic England**

*No objection.*

*Designated in 1977 Kirkham benefits from a Conservation Area covering the centre of the town taking in the medieval core and Market Square in the centre. The possible Roman road of Poulton and Preston streets run east-west and Church and Freckleton Streets run north-south with Church Street leading to the Grade II\* Church of St Michael. Market Square was redeveloped in the 1960's which whilst maintaining the historic building lines around the square itself replaced a number of buildings with unsympathetic shop units. Despite this the Market Square is still the main focus of the area and remains an important element of how the town is used, understood and appreciated.*

*Principally Market Square is used as a car park but also holds weekly markets. Features of the space are the retained Grade II listed [FishStones], a series of low-level stone slabs set out in a circle which would have been used as cold slabs/counters to sell fish from. In the middle of the [Fishstones] circle is an historic lamp which is also designated Grade II.*

*The main streets are wide and lined with buildings to either side, generally ranging from 2-3 storeys with the mix of architectural styles, materials and building heights creating interesting visual corridors in all directions from the centre point of the Market Square which is set at a low point in the topography.*

#### Impact

*Proposals are for a series of public realm works to include pavement widening and resurfacing, new parking bays, roadside tree and plant planting etc. It is also proposed to improve the public realm elements of Market Square which involves resurfacing in a*



*range of high quality stone sets, new lighting, new planting and a change to the levels to make the space more accessible and open up opportunities to be used as a venue for events.*

*Proposals will have a positive impact on the character and appearance of the Conservation Area. Reducing the dominance of vehicles with narrower roads and slower speeds allow for a calmer environment allowing more focus to be afforded to the buildings and public spaces which also benefit from wider pavements.*

*Modern tarmac and concrete surfaces along footpaths will be replaced with new stone setts drawn from a local palette of materials. The pavements will be set out in different patterns to denote the areas of the footway and areas of outdoor seating etc. whilst the kerbs will be a contrasting stone again.*

*The Market Square is on an incline and the proposals will see the central section levelled to make it a more accessible and usable space which will be complemented by tree planting, planters, seating and new complimentary lighting scheme. The area is to be resurfaced in the same manner as the pavements, unifying the spaces. The Grade II designated [Fishstones] and Lamp are to be resited slightly but retained.*

#### Policy

*Paragraph 203 of the National Planning Policy Framework (2021) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

*Paragraph 206 sets out that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

*Paragraph 207 advises that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.*

#### Position

*We support and welcome the positive proposals to improve the public realm of Kirkham's Conservation Area which would improve the character and appearance of the designated heritage asset.*

*The Local Authority will need to update the List entry for the relocated Fishstones and Lamp to reflect their new positions. Please contact our Listing Team to discuss: [northwest@HistoricEngland.org.uk](mailto:northwest@HistoricEngland.org.uk)*

#### Recommendation

*Historic England supports the application on heritage grounds.*

*We consider that the application meets the requirements of the NPPF, in particular paragraph number 206. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.*

#### **National Amenity Societies**

No comments have been received from any of the specific amenity societies

#### **Lancashire County Council Archaeology**

*"No objection, subject to condition requiring a programme of archaeological work during construction. The condition requires monitoring of excavations below the level of the bedding for current surfaces and the recording and excavation of any archaeological features.*

*The settlement of Kirkham is first recorded in Domesday Book of AD 1066, although the name is of earlier derivation, possibly a Viking period corruption of an Anglo-Saxon name denoting a settlement with a church and there are local traditions of a church being built on the site of the Roman fort at Dowbridge in AD 650 although to date there is no archaeological or early documentary evidence for this.*

*The main Roman occupation known is outside the area of the proposals, the fort and external settlement being in the area of Dowbridge although one road leading from the fort may be below the current main street of the town of Kirkham, that is Preston and Poulton Streets. There is also a hint, from archaeological evaluations, of Roman material being present below parts of the area of the town centre although later development of the town has caused significant disturbance and destruction to any deposits of this date.*

*The current layout of Kirkham town centre largely stems from the granting of borough status and a market charter in AD 1296 when the market place and "burgage plots", long narrow strips of land running from the main roads and each occupied by the house and work premises of a burgess of the new borough. The road lines and property boundaries have proved resilient over the ensuing centuries of development and redevelopment of buildings in the town centre and the expansion of the settlement beyond the boundaries of the original borough.*

*The area affected by the proposed upgrades and changes to the public realm lie in the area of the medieval marketplace and the original streets serving the borough. Although most of the proposed works will likely have little impact on any archaeological deposits or features buried below the modern town, replacing surfaces, for example, probably impacting mainly on the layers laid down for the creation of the existing surfaces in the 20th century, some of the proposals, such as the re-profiling of the market place to provide a more level surface, are likely to penetrate below 19th and 20th century layers and will potentially impact on deposits and features relating to the medieval borough and any earlier human activity in the area. There is, for example, the possibility of revealing and disturbing elements of the Roman road if it follows approximately the line of the main modern streets.*

*We note that the proposed works to the listed structures are accompanied on the Master Plan drawings (Drawing No 102, the Paul Hogarth company) have the annotation:*

*"As part of this scheme it is proposed to undertake works to 2 Listed structures. These works will be done through agreement with Historic England and with an archaeologist onsite during all excavation and re-setting works. The archaeologist must be certified and from an organisation registered with the Chartered Institute for Archaeologists".*

*While this approach is to be applauded as the designers are taking into account consideration of the historic environment, we would advise that the approach of monitoring works should be applied more widely to the scheme. As the Listed structures are Listed as Grade II Historic /England are likely to refer these to the Local Authorities own Conservation Officer or Conservation Advisor. As there may, as described above, be considerably more areas of the proposed development that have archaeological significance and potential that just the areas occupied by the listed structures which are both relatively late by comparison with the long historic of occupation and activity I the core of the historic borough. A more comprehensive approach to the historic environment can be secured by making any permissions for the Listed Buildings and for the wider scheme conditional." They then suggest the wording for a condition.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	15 October 2021
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	22 October 2021
<b>Press Notice Date:</b>	21 October 2021
<b>Number of Responses</b>	6 objections
<b>Summary of Comments</b>	The points made in the correspondence falls into the following headings

#### **Land ownership:**

objection to works being carried out to market Square, including Fish Stones, benches and cobble stone relocation / removal on grounds of ownership of sub soil, mines and minerals stallage within the boundary of Kirkham unless sold or leased.

Owners of 12-14C Preston Street have confirmed that they will be applying for the freehold title of front forecourt areas. The proposed works seek to re-surface these areas. The owners initially agreed to the planning application on the strict understanding that this would not affect their right to park on the front forecourt area. LCC Highways now confirm that parking permits will be issued and this would not be in perpetuity or guarantee a space outside their house. One of the residents has an electric car whom must have a parking space outside of their house to enable charging.

#### **Materials:**

Mix of finishes is good but could be given more thought – Preston high street and Altrincham Town Centre are good examples.

#### **Anti social behaviour:**

More open space for youths to congregate. Steps in the square could attract skaters.

#### Fish Stones:

Relocation damages Kirkham's history and must be stopped, the stones and their siting are just as important.

Fish Stones [lamp] should not be painted blue, but Brunswick green which is the colour of Kirkham Town Council adopted for all street furniture, and LCC have painted lampposts to match.

Loss of retail forecourt areas – Some have been used for over 15 years, that will have a damaging effect on business. All historic photos demonstrate Poulton Street as tree less. The proposal favours trees rather than the viability of businesses.

#### Market Square:

Lots of room for improvement for what is a key civic and commercial focal point. New steps in Market Square do not work and not in-keeping with the Square's original purpose, reducing space for market traders, event space such as Xmas and other community festivals. The steps don't add anything, you don't need that much stepped access to the upper level and so seems an unnecessary cost that could be better spent on finishes or ironmongery.

#### Highways:

Obstruction of main road due to reduction of width combined with lorries loading and buses stopping opposite each other.

Market Square event space is too close to busy road and could endanger pedestrians and vehicles.

How will market traders and event organisers get their vehicles onto the Square on Market day? Benches block access.

#### Removal of parking from Market Square:

Valuable parking to shops and GP practice. Other alternative parking is distant and hampered by topography.

Impact to shops on Market Square - customers use these spaces for easy access.

Cars will be abandoned in the street as nobody wants to carry heavy shopping long distances.

Will remove the bustle of people within this part of the Town centre especially between 4pm – 6pm.

Saturday is busy in Kirkham, people struggle to park as it is, so removal of parking from High Street and Market Square is not a good idea.

#### Zebra crossings:

Traffic survey needed post September 2021 given the proximity of the Zebra crossing at the top of the hill.

New crossing close to the roundabout will result in cars queuing

onto the Zebra crossing.

Visibility of new Zebra is poor when overtaking parked buses, and could result in accidents.

Cause tail backs and congestion through the centre. LCC have previously rejected this idea for reasons just stated.

On street Parking:

Freckleton Street – residents own 1m of the land from the front of their houses and should be allowed to fence off this area as they can no longer park outside on their own land.

Church Street – removal of parking from Market Square will make resident parking on Church Street very difficult. Traffic flows will increase on a street that has an old peoples complex and school.

Other Matters:

Will there be any published targets to monitor success?

**Relevant Planning Policy**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

**Fylde Local Plan to 2032 (incorporating Partial Review):**

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL4	Kirkham and Wesham Strategic Location for Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres

EC6	Leisure, Culture and Tourism Development
T5	Parking Standards
ENV2	Biodiversity
ENV5	Historic Environment

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Site Constraints**

Conservation area site  
Listed Building

**Environmental Impact Assessment**

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**Comment and Analysis**

The main issues pertinent in the assessment of the planning application are considered to be:

- The principle of development.
- Design.
- Heritage, including effect on the character and appearance of the Kirkham Town Centre Conservation Area and Listed Buildings.
- Highway safety.
- Amenity of surrounding occupiers.

**Principle of Development:**

The site is located with the settlement boundary of Kirkham, but other than its designation within both the town centre and the Conservation Area it has no specific allocation in the FLPPR.

FLPPR Policy S1 identifies Kirkham as 1 of 2 Key Service Centres within the Fylde, stating that existing services and facilities will be enhanced, retail and community services will be promoted and enhanced to serve the wider catchment area.

FLPPR Policy DLF1 encourages the majority of future growth toward 4 sustainable locations, which includes Kirkham, and states that such development is key to delivery of the development strategy advocated in the FLPPR.

FLPPR Policy GD1 supports the development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

FLPPR Policy EC5 seeks to maintain and enhance the vitality and viability of town through a number of measures including appropriate public realm schemes. Policy EC6 seeks to promote the Boroughs leisure, culture and tourism qualities, criteria g) refers to public realm as a mechanism of doing such.

Paragraph 86 of NPPF21 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management

and adaptation.

The works are intended to improve the public realm within the application site, so as to enhance the visual attractiveness of Kirkham Town Centre and Conservation Area. It is envisaged that these works will act as a catalyst to encourage new business, reduce vacancy rates, and encourage increased footfall into the Town Centre. If these expected benefits are realised through the development then the approval will bring significant regeneration benefit for this area of Kirkham Town Centre, enhancing the vitality and vibrancy of the Centre as a whole, whilst supplementing the town's leisure, culture and tourism qualities. This would therefore directly contribute toward achieving the objectives advocated within the FLPPR and so the work should be supported in principle.

#### Design:

FLPPR policy EC5 seeks to maintain and enhance the vitality and viability of the Borough's town centres, which includes the support for appropriate public realm measures.

In this context, FLPPR policy GD7 will gauge the appropriateness of the public realm measures. Importantly this policy requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 15 guiding principles (a - o). Those of relevance to the proposal are identified below:

- d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, and landscaping of the proposed development, relate well to the surrounding context.
- h) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the visual amenities of the local area.
- i) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- k) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- p) Ensuring that the quality of approved development is not materially diminished between permission and completion.
- w) The public realm should be designed appropriately, to reflect the quality of the area including landscaping, street furniture and materials, and developments should be appropriately managed and maintained so that they add to the character, quality and distinctiveness of the surrounding area.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies.

The application site is concentrated on a portion of the public realm along the main shopping street within Kirkham Town Centre, including pavements and shop front forecourt areas. It is inclusive of Market Square which is viewed as one of the focal points for the Town Centre and the Conservation Area it sits within. The proposed improvement works are highly visible within Kirkham Town Centre and Conservation Area. Design is therefore a key component in the planning assessment, so as to ensure a development that safeguards the visual quality of the street and conserves heritage assets, as well as encouraging wider regeneration of the Town Centre.

The scheme focuses on improvements to the surfacing of forecourts and footpaths along sections of Poulton Street, Preston Street, Church street and Freckleton Street. Presently there is a mix of materials in this part of the town centre including block paving, tarmac and concrete paving, which will be replaced entirely by sandstone paving and so provide a consistency of hard landscape materials. The works include a widening of the footpath, which is a measure designed to improve highway safety as the reduction of carriageway width prioritises pedestrian use, discourages access by larger vehicles, and reduces vehicle speed within the Town Centre. The widened footpath allows for the continued business use of forecourts and the provision of tree planting along Poulton Street, Preston Street and Church Street. This will green-up and provide a natural relief to the built form, softening the street scene appearance.

The footpath link from Poulton Street to the Mill Street car park will be brought up to DDA standards, including re-surfacing and lighting.

The existing street furniture in the town centre such as the lampposts and bollards are coloured green. This relates to a decision made by Fylde Council some years ago to give each of the main towns within the Fylde Borough an individual identity with its own colour. The proposals in this application initially proposed that the street furniture should be provided in a dark blue as this was adjudged to be a more sympathetic heritage colour for the Conservation Area. This was an area that the Town Council raised objection to as they saw that this blue street furniture would contrast with the existing colour scheme on the wider town centre. Following discussion with Kirkham Town Council, agreement has been reached between both parties to alter street furniture colour to a dark green, which would provide a more consistent colour scheme throughout the Town Centre, and the plans under consideration now confirm that position.

The proposals for Market Square include the removal of unsightly parking (approximately 20 spaces), with the whole of the Square being renovated for use as an outdoor event area. The scheme includes resurfacing of the space with sandstone, provision of steps to overcome land levels so as to provide a levelled surface for the event space, and the provision of landscaping including tree planting. Collapsible bollards will be placed along Church Street that will close off the space to vehicular access when that access is not required, with electricity points provided within the Square to facilitate events, including power for the Christmas tree lights.

Objection has been received in relation to the works proposed to Market Square, including the provision of steps not being in-keeping with the Square's original purpose, and that the design reduces the event space available. The steps are purposefully included within the scheme as a usable retaining feature to overcome land level changes that avoid the need for retaining walls and facilitating an almost level surface for the event space. The steps will serve as dual purpose both as access but also for seating. It is considered that the proposals represent a modernist perspective of the Square's original purpose as a market space, with the improvements being designed to encourage ease of public events within a visually attractive environment. This is no different to how the space presently operates, albeit the proposals represent a significant uplift in the appearance of the Square.

The works to Market Square require relocation of the Fishstones and Lamppost, approximately 1.5m in a south westerly direction. Low lux lighting will be added beneath the circular stones so as to illuminate the feature from below. The lamppost will be painted a dark green colour as per applicant agreement with the Town Council. Objection has been received in relation to the relocation of the Fishstones on grounds that it would be damaging to Kirkham's history.

The applicant advises that the Fishstones have been relocated on several occasions and are not



therefore presently in their original position. This adds weight in support of the relocation, as does the limited extent of the movement which is minimal and ensures that the fishstones remain at a focal point of the Market Square which is the key feature in their historical purpose and so heritage value. This relocation therefore raises no objection. Furthermore, there is an improvement over the existing situation as the Fishstones are to be set to their original level and appearance, revealing the portions of the structure that are presently below ground.

In addition, there is a Listed Telephone Box within the front forecourt area of 20 Poulton Street. Whilst the public realm works could be undertaken without disturbance of this, the proposals include straightening a lean that the structure has due to subsidence and so are a benefit to this designated heritage asset.

On street parking is provided within the scheme, in the approximate location of that which exists at present, and new provision is proposed on Freckleton Street. The parking bays have been designed as an integral part of the public realm, and are set back from the carriageway and framed by the widened footpaths and tree planting. This ensures that the reduced width carriageways remain clear and unobstructed, acting to reduce the visual impact of parked cars that are present in the street.

English Heritage and LCC Archaeology have commented on the proposals, including works to the Listed Structures, and are fully supportive of the scheme.

In summary, the scheme proposals will provide consistency of hard landscape materials and an enhanced appearance of street scenes. Removal of parking from Market Square, in combination with the levelled surface, hard and soft landscaping, will greatly enhance the visual aesthetic of this focal point within the Town Centre and provide for a more usable space. It is considered that the works will have a positive impact for the wider town centre, acting as a catalyst for similar regeneration projects.

The development is considered to make a positive contribution to this part of Kirkham Town Centre, particularly when compared to the site's current visual appearance. Design of the development is therefore considered acceptable, in accordance with the FLPPR and NPPF21.

#### Heritage, including effect on the character and appearance of the Kirkham Town Centre Conservation Area and Listed Buildings.

FLPPR Policy ENV5 requires that development within Conservation Areas should conserve or enhance those elements that make a positive contribution to the special character, appearance and setting of the Area. Criteria is provided to meet these objectives, those relevant to the current proposal are:

- a. Be appropriate to their context including setting, scale, density and physical characteristics;
- b. Preserve or enhance features making a positive contribution. In particular, design, massing and height of any building should closely relate to adjacent buildings and should not have an unacceptable impact on townscape and landscape;
- c. Not have an unacceptable impact on historic street patterns or roofscape;
- e. Retain individual features of interest, e.g. doorways, cobbles, trees, hedges, railings and garden walls;
- f. Reinforce distinctiveness of the area, reflecting the local pallet of materials and local building styles.

Policy ENV5 also states that the Listed Buildings will be conserved, and where appropriate,

enhanced. Development that results in harm to a listed building should be refused.

NPPF21 paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 199 requires great weight to be given to the asset's conservation.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and substantial harm or loss of Grade II Listed Buildings should be exceptional.

Paragraph 201 states that local planning authorities should refuse development that results in substantial harm to designated heritage assets, unless outweighed substantial public benefit.

Paragraph 202 states that less than substantial harm should be weighed against the public benefit of the development.

Paragraph 206 encourages development to enhance or better reveal the significance of Conservation Areas and supports development that meets this aim.

Paragraph 207 advises that not all elements of a Conservation Area will necessarily contribute to its significance.

The public realm scheme and proposed works to both Listed structures have been outlined in the preceding section (Design) and are not repeated here. The area of public realm affected by the proposal is located wholly within the Kirkham Town Centre Conservation area and includes the alteration/ re-siting of two nationally listed structures. The works therefore relate to designated heritage assets.

The existing appearance of the public realm is considered to have a neutral impact on the Conservation Area, with a mix of hard surfacing materials and presence of parked cars to Market Square acting to dilute the historic character and appearance of the Conservation Area. The proposal greatly improves the hard and soft landscaping within this part of the Conservation Area and reduces the visual impact of parked vehicles. Design, as per above assessment, is considered to enhance the existing public realm and will therefore make a positive contribution toward the character and appearance of the Conservation Area and setting of Listed Buildings.

It is proposed to relocate the Fishstone and Lamp which are a Grade II Listed Building. Dating back to 1829, the Fishstones are flat slabs of stone set on stone uprights to form two semi-circular counters from which fish was sold on market days. In the middle stands a cast iron lamppost, originally placed there in 1872, subsequently removed and then reinstated in 1982. The lamppost has a richly decorated base, fluted shaft supporting a lamp. Land levels in vicinity of the Fishstones have been raised over time, and currently obscure the lower portions of the structure from view. The Fishstones will be moved approximately 1.5m in a south westerly direction, being reset to their original height on top of the new paving. Lighting is also proposed beneath the semi-circular stones. The proposal will reveal portions of the Listed Structure that have been covered by hard surfacing, and whilst the structure will be relocated, this is a small distance from its current location and would maintain its close historical association to Market Square. The applicant also reports that the Fishstones has been moved from its original location at Market Square, adding further weight in support of moving the structure.

Works are also proposed to correct the lean on a Grade II Listed Telephone Box. The Box is of a style designed by Sir Giles Gilbert Scott in 1935 and is a Type K6 constructed of cast iron, having a square footprint, domed roof and glazing to windows and doors. The public realm works do not impinge upon the telephone Box, with rectification of the lean being aesthetical and opportunity exists for these works to be undertaken whilst the public realm scheme is implemented. The proposal will reinstate the Box to its original position and is therefore considered to be a sensitive alteration to the Listed Building.

The development will have significant regeneration benefits for this part of the Town and Conservation Area. Providing for an enhancement of the public realm and improving the vitality and viability of the Town Centre, to the benefit of residents, businesses, shoppers and tourists alike.

English Heritage and LCC Archaeology raise no objection to the proposals. They do however reference the potential historical importance beneath the existing public realm especially to the medieval market place and original streets. There is, for example, the possibility of revealing and disturbing elements of the Roman road if it follows approximately the line of the main modern streets. On this basis a condition requiring a programme of archaeological work has been recommended.

In summary, the proposal is considered to conserve and enhance those elements that make a positive contribution to the special character, appearance and setting of the Kirkham Town Centre Conservation Area. The development will not harm the setting of, or Listed Buildings themselves. The scale of harm to the designated heritage assets is therefore considered to be low, and this harm, in any event is outweighed by the significant public benefit associated to the scheme.

On this basis the proposal is considered to accord with FLPRR Policy ENV5 and the NPPF21.

#### Highway safety

FLPRR policy GD7 supports good design with highway safety a key element of this as set out in element p) which prioritises non-motorised users, element q) which states that development should not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user, and element r) which encourages alternative modes of transport including walking and cycling.

Policy T5 relates to parking provision and indicates that a flexible approach to the level of car parking provision will be applied dependent on the location of the development.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal makes a number of alterations to the road network, including realignment and reduction of carriageway widths to Poulton Street, Preston Street, Freckleton Street and Church Street. In addition, Zebra Crossing points have been included on Poulton Street and Freckleton Street adjacent to the roundabout junction. The existing pedestrian island crossing point on Preston Street is retained, and a drop kerb crossing to Church Street is provided. The applicant confirms that the highway proposal has been developed collaboratively with the local highway authority to develop a safer environment that addresses community concern raised during the public consultation process and actual accident statistics (with 7 recorded accidents in the last 5 years). In addition, the wider pavements and crossing facilities increase priority of the pedestrian, reduce

vehicle speeds and present a much safer Town Centre environment.

With regards to parking, the existing car park on Market Square, which provides 20 spaces, is to be removed. This element of the scheme has stimulated local objections which highlight that these spaces are well used for two centre business staff and customer parking, commenting that this will encourage illegal parking within the locality. It is also known that this car park is utilised by patients and staff of the Health Centre which faces onto the Square.

Whilst it is recognised that the removal of the car park will reduce car parking provision within the Town Centre, it is accepted that there is adequate car parking within the surrounding area to accommodate the loss of the space at Market Square. Committee members are advised that the Health Centre also has its own car park accessed from Preston Street, which is available for use by patients and staff, and that the existing on-street parking (public space, doctors space and loading bay) outside the Health Centre is retained.

The Council are in negotiations regarding the purchase of the Kirkgate Centre as part of the wider Kirkham Futures scheme. This is centrally located within the Town Centre on Poulton Street and has a large surface and basement car park located to the rear. It is proposed that this car park can be made available for public parking once the site has been purchased.

On street parking is retained within the scheme and there is an overall net increase of provision from 27 to 36 spaces. The parking on Poulton Street has been relocated to the opposite side of the road and new provision is proposed on Freckleton Street. There is a slight movement of on street parking bays on Church Street outside of the Health Centre but number and prioritisation for Doctors and loading remains. Residents of 8 – 20 Preston Street currently park within front forecourt areas, with access over the footpath assisted by a drop kerb for properties 8-14C, 16-20 access over a raised kerb line and footpath. There is insufficient space within the forecourt areas of 16-20 to park a vehicle safely without causing obstruction, and so the opportunity for this parking has been removed as part of the scheme with parking on street in front of the dwellings provided as a replacement. Forecourt access to 8-14C is retained as these areas are able to accommodate a vehicle.

Members should note that 8 Preston Street has ownership of the front forecourt area and therefore a right to park within this space. The same ownership rights do not apply to 12-20, with the forecourt area being highway land and the occupant has no exclusive right to park in this area. Parking on these forecourt areas has been undertaken without necessary consent for many years prior to submission of the application. In discussions over this the local highway authority have confirmed that they have no objection to forecourt parking, though they have suggested that a system of resident permits would be necessary. The resident permit scheme will also extend along the south side of Preston Street and will be subject to a separate Traffic Regulation Order by the Highway Authority. A resident permit scheme does not dedicate bays to a particular property, but does control parking to those with a permit. This would mean that those that presently park in forecourts outside their own homes, may find a neighbour using this space. One objector refers to this impacting on the opportunity to charge an electric vehicle. This is an aspect that a number of residents are unhappy about and are investigating their legal ownership position. This issue is an on-going one, and whilst it is of interest to those occupiers it is not fundamental to the highway safety elements of the wider scheme which are as set out above..

Whilst public parking within the Town Centre will reduce as a consequence of this scheme, there is alternative provision available in close reach of the market Square, and the opportunity exists for further provision subject to successful purchase of the Kirkgate Centre. Despite the ownership issue, the proposals provide for enhanced on street parking and a resident permit scheme, subject to TRO,

that will control parking in the residential areas close to the town centre, ensuring residents have opportunity to park.

The Local Highway Authority raise no objection to the proposals, commenting that the reduced carriageway width, pedestrian crossing points and existing 20mph speed limit will improve highway safety and discourage unnecessary traffic from travelling through Kirkham. In addition, the Local Highway Authority comment that the submitted Road Safety Audit has highlighted several minor issues, including affect of trees on visibility and the overhang of trees of the footpath and carriageways. These matters will be addressed through the technical sign off of the S278.

On this basis, whilst the public concerns for highway safety and loss of car parking are noted, the development is not considered to undermine highway safety or the safe, efficient and convenient movement of all highway users, in accordance with FLPRR Policies GD7 and T5 and NPPF21.

#### Amenity of surrounding occupiers.

FLPRR Policy GD7 element h) requires high standards of design which, amongst other criteria, ensure that new development is sympathetic to surrounding land uses and occupiers (amenity). In relation to the current proposal this relates to use of the event space created as well as disturbance during construction.

Market Square is currently used as an event space holding a weekly market, as well as other events throughout the year. The current use is similar in nature to that proposed and given the infrequent nature of events does not give rise to prolonged disturbance of residents that live in the locality.

It is inevitable that there will be some disruption during construction of the development. Notwithstanding, certain controls can be imposed on the developer to minimise disruption for residents on the locality. On this basis it is advised that a construction hours restriction as well as the provision of wheel wash facilities are imposed by condition of any subsequent approval notice.

Subject to condition, the development is therefore considered to be sympathetic to surrounding land uses in accordance with FLPRR Policy GD7 h).

#### Other matters.

The comments from Kirkham Town Council include reference to the delicate issue of memorial benches that are situated on Market Square and will be affected by the proposals. It is understood that the applicant has discussed this matter with the Town Council who are in general agreement as to how this matter will be progressed so as to ensure sensitivity to the families concerned. Options that are being considered include retention of benches in the scheme, the re-siting of the bench, or the placing of a memorial plaque as a substitute for the bench. The latest information indicate the agreement has been reached with one family in relation to retention of an existing memorial bench. The two other memorial plaques presently on benches are shown to be relocated to new seating adjacent to Market Square, although this approach may change depending on the relevant relatives being located and agreement reached with them on how best to proceed.

Kirkham Town Council have queried the management and maintenance regime of the works proposed, including landscaping, street furniture and highway works, requiring by planning condition that the works are regularly maintained by the responsible party. The applicant has confirmed:

- All works will require formal sign off from the principal contractor whereby all snagging will

be remedied prior to hand over.

- The principal contractor will be committed to a 5-year maintenance regime for the works, including a 12 month Defects Liability whereby the principal contractor is liable for rectification of any issues, and 4 years of maintenance.
- Beyond the 5 years it is anticipated that Fylde Borough Council will take on responsibility for management and maintenance of landscaping, including trees and planters. Individual lan owners will assume responsibility for surfacing which will majorly fall to the Highway Authority.

In this circumstance it is not considered necessary to require management or maintenance regime by condition as it is secured by other elements that the Council has control over.

In the event of the overall level of funding for the wider Kirkham Futures project being reduced, Kirkham Town Council have requested that any funding should be spent on the public realm in Poulton Street as Phase 1, with Phase 2 comprising of Preston Street. Freckleton Street and Church Street. This information has been issued to the applicant who has agreed to keep the Town Council abreast of funding, anticipated works and any phasing requirements.

The Town Council have requested a number of wider improvements including DDA compliancy of ginnels and car parks, illumination and signage within all car parks, directional signs within the Town Centre, as well as extension to the boundary of the Conservation Area. The majority of these matters go beyond the scope and consideration of the current planning application, but discussions will continue with the Town Council as part of the wider project.

### **Conclusions**

The application relates to public realm works within an area of Kirkham Town Centre and the Conservation Area.

The works proposed will greatly enhance the character and appearance of this part of the Town centre and Conservation Area, whilst ensuring that the setting and impact to Listed Buildings themselves is not undermined. The proposal would have no unacceptable impact on the amenity of neighbouring properties, nor would it prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway users.

The development is therefore determined to accord with all relevant policies of the Development Plan and NPPF, representing sustainable development and is therefore recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Location Plan drawing reference 1409 103 revision P02.
- Masterplan drawing reference 1409 102 revision P06.
- Existing Fishstones and Lamp drawing reference 1409 902 revision P00.
- Proposed works to Fishstones and Lamp drawing reference 1409 903 revision P00.
- Existing Telephone Box drawing reference 1409 900 revision P00.
- Proposed works to telephone box drawing reference 1409 901 revision P00.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

3. Unless otherwise agreed in writing by the Local Planning Authority through the discharge of this condition, the development hereby approved shall be constructed in accordance with external materials illustrated on drawing titled Masterplan (drawing reference 1409 102 revision P06).

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework 2021.

4. Prior to the installation of any external lighting at the site, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for lighting column design and confirmation of column colour, as well as colour for the relocated Fishstones Lamppost. Thereafter only lighting contained in the approved scheme shall be implemented at the site.

Reason: To ensure a high standard of design in accordance with the requirements of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework 2021.

5. During construction of the development works on site shall be restricted to between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework 2021.

6. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: -

- the parking of vehicles of site operatives and visitors.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- provision of any portacabins on the site.
- the erection and maintenance of security hoarding.
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
- Routes to be used by vehicles carrying plant and materials to and from the site.

- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- Wheel wash facilities.
- Measures to control noise, dust and vibration.

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework 2021.

7. Soft landscaping, including tree and shrub planting, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

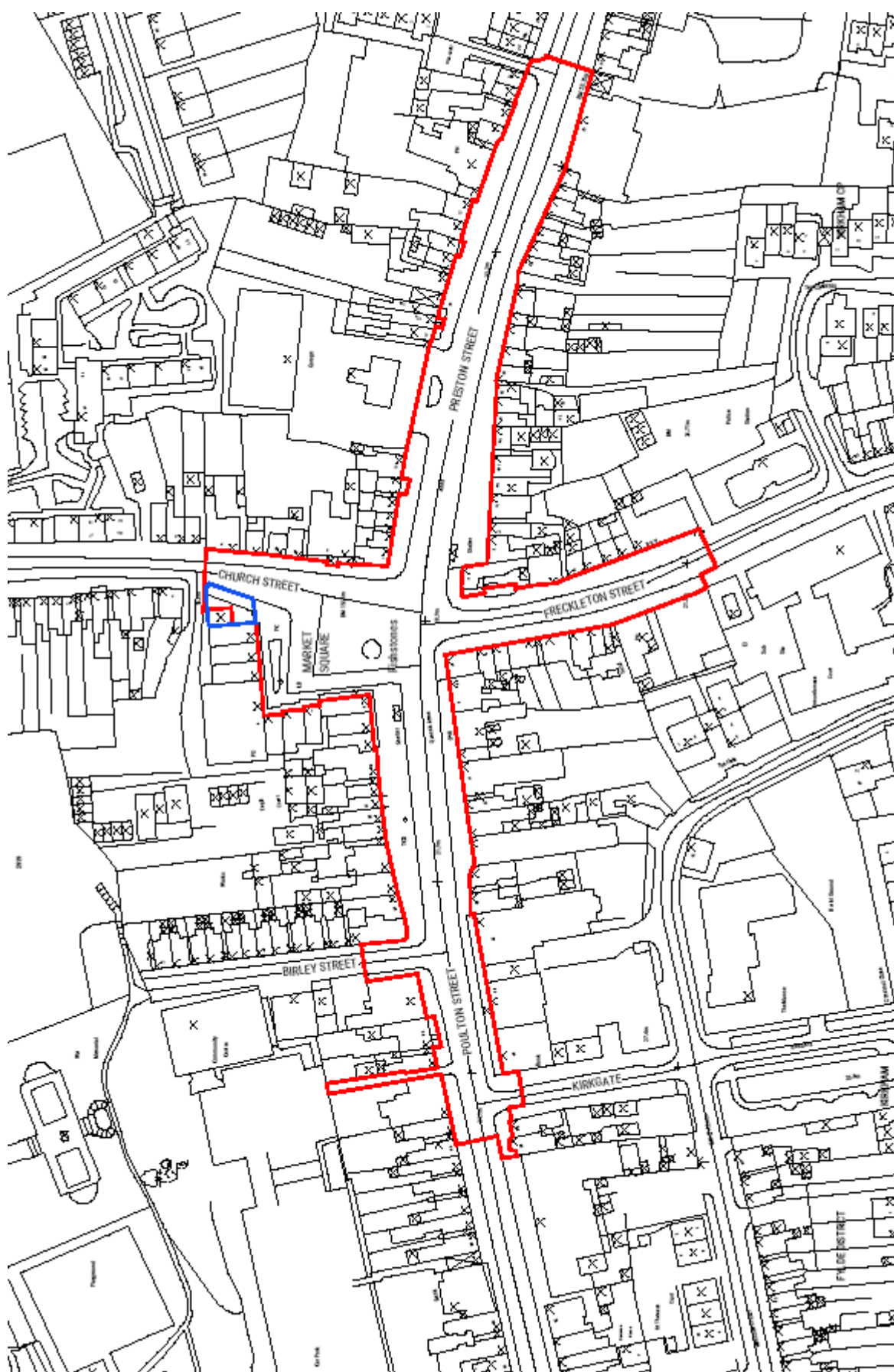
Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements, in accordance with policy GD7 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework 2021.

8. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme shall include works to Listed Buildings, as well as monitoring of excavations below the level of the bedding for current surfaces and the recording and excavation of any archaeological features that may be revealed by the excavations, with a phase of appropriate analysis, reporting and publication. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development in accordance with Policy ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework 2021.



Location plan rotated 90° anti-clockwise



## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	5 JANUARY 2022	5
<b>LIST OF APPEALS DECIDED</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY OF INFORMATION

The Council received no appeal decisions between 26/11/2021 and 17/12/2021.

### SOURCE OF INFORMATION

Development Services.

### INFORMATION

N/A - no appeal decisions received.

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the appeals that have been decided during the period.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473