

Agenda



Cabinet

Date	Wednesday, 8 May 2013 at 7:00 pm
Venue	Reception Room, Town Hall

LEADER: COUNCILLOR DAVID EAVES

Membership:

Councillor	Portfolio
Karen Buckley	Finance and Resources
Susan Fazackerley	Leisure and Culture
Dr Trevor Fiddler	Planning and Development
Cheryl Little	Social Wellbeing
Albert Pounder	Customer & Operational Services
Thomas Threlfall	Environment & Partnerships

Public Platform To hear representations from members of the public in accordance with Cabinet procedure rules

Procedural Items

Pages

1	Declarations of Interest: Any member needing advice on Declarations of Interest should contact the Monitoring Officer before the meeting.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meeting held on 10 April 2013 as correct record attached at the end of the agenda.	1

Urgent Items

3	Urgent Items (The Chairman will be asked to indicate whether or not he accepts that any additional item should be considered by the Cabinet as a matter of urgency, in accordance with section 100 of the Local Government Act 1972 (as amended)).	1
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Items for Decision

4	Community Focus Scrutiny Committee - Recommendations	3 - 11
5	Community Asset Nomination - The Victoria, Church Road, St Annes	12 - 48
6	Infant Memorial Garden and Lytham Park Cemetery Infrastructure Works	49 - 57

Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: lyndseyl@fylde.gov.uk

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REPORT



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE - FOR CHAIRMAN OF THE COMMUNITY FOCUS SCRUTINY COMMITTEE	CABINET	8 MAY 2013	4

COMMUNITY FOCUS SCRUTINY COMMITTEE - RECOMMENDATIONS

Public Item

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

Summary

The Community Focus Scrutiny Committee met on 4 April 2013 and there were various recommendations made by the committee that Cabinet may wish to consider. The minutes of the meeting are attached.

Recommendation

To consider the recommendations of the Community Focus Scrutiny Committee held on 4 April 2013.

Cabinet Portfolio(s)

The item falls within the following Cabinet portfolios:

Social Wellbeing - Councillor Cheryl Little
Environment and Partnerships - Councillor Thomas Threlfall
Leisure and Culture - Councillor Susan Fazackerley
Planning and Development - Dr Councillor Trevor Fiddler

Summary of previous decisions

The recommendations of the Scrutiny Committee are regularly reported to Cabinet.

Report

To consider endorsing the recommendations of the Community Focus Scrutiny Committee meeting of 4 April 2013 as follows:

Blackpool Teaching Hospitals NHS Trust

1. To appoint a Task and Finish Group to carry out the review and that the group comprise: Chairman and Vice-Chairman of Committee, councillors Kathleen Harper and Dawn Prestwich.

Club Day Support

1. To undertake an urgent review on Club Day Support.
2. To appoint a Task and Finish Group to carry out the review comprising: Chairman and Vice-Chairman of committee, councillors Barbara Nash, Elizabeth Oades and John Singleton.

Supported Events Review

1. To include a review on Supported Events within the scrutiny committee's work plan
2. To appoint a Task and Finish Group comprising: Chairman and Vice-Chairman of committee, councillors Barbara Nash, Elizabeth Oades and Dawn Prestwich.

Planning Improvement Plan

1. To support the 13 recommendations which had resulted from the Planning Peer Review.
2. To support the four recommendations already action planned (1, 4 7 and 13)
3. To request that key stages of progression be reported to future meetings of the Community Focus Scrutiny Committee.
4. To support the Portfolio Holder in seeking to discourage repetitious debate at meetings of the Development Management Committee.
5. To support the retention of the existing numbers on the Development Management Committee.

Fylde Coast Bathing Waters

1. To note the updated report.
2. To ask the Chairman, Councillor Kiran Mulholland to further pursue a joint scrutiny approach with neighbouring authorities and work with the Director of Resources on the models available.

3. To present an updated report to a future meeting of the committee.

Report Author	Tel	Date	Doc ID
Lyndsey Lacey	(01253) 658504	April 2013	CFSC Recs

List of Background Papers		
Name of document	Date	Where available for inspection
Agenda and Minutes of Community Focus Scrutiny Committee	April 2013	www.fylde.gov.uk

IMPLICATIONS	
Finance	None arising directly from this report
Legal	None arising directly from this report
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

Attached documents

4 April 2013 - Community Focus Scrutiny Committee minutes

Community Focus Scrutiny Committee

Date:	Thursday, 4 April 2013
Venue:	Town Hall, St Annes
Committee members:	Councillor Kiran Mulholland (Chairman) Councillor Christine Akeroyd (Vice-Chairman) Councillors Fabian Craig- Wilson, Susanne Cunningham, Tony Ford JP, Gail Goodman JP, Kathleen Harper, Paul Hodgson, Angela Jacques, Barbara Nash, Elizabeth Oades, Dawn Prestwich, John Singleton JP, Vivienne M Willder
Other Members:	Councillor Dr Trevor Fiddler (Portfolio Holder for Planning and Development) Councillor Cheryl Little (Portfolio Holder for Social Well Being) Councillor Susan Fazackerley (Portfolio Holder for Leisure and Culture) Councillor Ben Aitken (Chairman of Development Management Committee) Councillor Kevin Eastham (Vice- Chairman of Development Management Committee)
Officers:	Allan Oldfield, Paul Walker, Mark Evans, Andrew Dickson, Paul Rossington, Lyndsey Lacey
Members of the public:	one member of the public was present

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and that any other interests should be declared as required by the Council's Code of Conduct. There were no declarations of interest.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Community Focus Scrutiny Committee held on 7 March 2013 as a correct record for signature by the Chairman.

3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Elizabeth Oades for Councillor Linda Nulty

Councillor Angela Jacques for Councillor Nigel Goodrich

Councillor Fabian Craig-Wilson for Councillor Tim Armit

4. Blackpool Teaching Hospitals NHS Trust

By way of introduction the Chairman, Councillor Kiran Mulholland made reference to the report submitted to the last meeting. In doing so, he asked the committee to consider appointing a Task and Finish Group to undertake some initial work of examining the circumstances relating to the recent failings of the Blackpool Teaching Hospitals NHS trust.

Councillor Mulholland referred to an initial outline of activity that could be undertaken by the appointed Group with a view to the interim findings being reported to a future meeting of the committee.

Following consideration of this matter it was RESOLVED to appoint a Task and Finish Group to carry out the review and that the group comprise: Chairman and Vice-Chairman of Committee, councillors Kathleen Harper and Dawn Prestwich.

5. Club Day Support

The Committee was asked to consider a request received from Councillor Elizabeth Oades for an urgent scrutiny review to be undertaken on Club Day Support.

Councillor Oades was invited to comment on the matter. In doing so, she made reference to the matter discussed at the Council's budget meeting regarding the likely police resources available to support these events going forward.

It was felt that this subject is worthy of scrutiny as it is an area that could have a wide impact and is believed to be a concern to a wide proportion of councillors.

It was suggested that the review consider two issues: the policing aspects in liaison with the Lancashire Constabulary and a review of the Council's own Club Day provision and support.

The Committee RESOLVED:

1. To undertake an urgent review on Club Day Support.
2. To appoint a Task and Finish Group to carry out the review comprising: Chairman and Vice-Chairman of committee, councillors Barbara Nash, Elizabeth Oades and John Singleton.

6. Supported Events Review

The Committee was asked to consider a request received from Councillor Elizabeth Oades to consider including in its work plan a scrutiny review on supported events with particular reference to how events come forward for financial support, how they are assessed and then reviewed subsequently.

It was felt that this subject is worthy of scrutiny as it is an area that could have a wide impact and is believed to be of interest to a wide proportion of councillors.

The Committee RESOLVED:

1. To include a review on Supported Events within the scrutiny committee's work plan
2. To appoint a Task and Finish Group comprising: Chairman and Vice-Chairman of committee, councillors Barbara Nash, Elizabeth Oades and Dawn Prestwich.

7. Planning Improvement Plan

The Chairman invited Paul Walker (Director of Development Services) and Mark Evans (Head of Planning and Regeneration) to present the findings and recommendations of the recent planning peer review.

The Committee was advised that between the 15th and 17th August 2012, an LGA facilitated Planning Peer Review took place involving a team of 6 members. The team included both officer and member peers. The team was led by Councillor Neil Clarke, Leader of Rushcliffe Borough Council. It was further reported that interviews and workshops were held with a variety of stakeholders during the visit. Some of the team also attended a meeting of the Council's Development Management Committee on the 15th August.

The report outlined the background, scope and aims of the peer review. It also included an Executive Summary and 13 recommendations. The remainder of the document included the detailed findings which support the recommendations and the notes of the Action Planning Day held on 11 October.

Councillor Trevor Fiddler (Portfolio Holder for Planning and Development) was invited to the table to comment on the content of the report. In doing so, he drew the committee's attention to paragraph 2 of the Executive Summary and paragraphs 9 and 19 of the detailed findings.

Councillor Fiddler went on to say that at times, the Development Management Committee members are not always strategic in their approach to development, resulting in an obvious urban/rural divide and parochialism which he added was detrimental to the process.

Councillor Fiddler further stated that whilst he accepted the report needed to be analysed for scrutiny purposes, some of the key elements contained within the report were not articulated and reflected within the 13 recommendations. He went on to say that whilst he was happy to discourage repetitious debate at meetings, as Portfolio Holder, he could not support a reduction in the size of the Development Management Committee.

Councillor Fiddler also drew the committee's attention to the section of the report relating to the make up of the Local Plan Steering Group which was factually incorrect.

Various members of the committee commented on the content of the report. A number of members were unhappy with the report and found it unhelpful. Some members expressed concern that the report was written with a bias towards the central government growth agenda in planning and failed to reflect some local priorities. The validity of some of the recommendations was questioned along with the source material for the report and the recommendations.

Members then went on to consider each of the 13 recommendations in turn and supported each proposed action.

Following detailed consideration of this matter IT WAS RESOLVED to recommend to Cabinet:

1. To support the 13 recommendations which had resulted from the Planning Peer Review.
2. To support the four recommendations already action planned (1, 4 7 and 13)
3. To request that key stages of progression be reported to future meetings of the Community Focus Scrutiny Committee.
4. To support the Portfolio Holder in seeking to discourage repetitious debate at meetings of the Development Management Committee.
5. To support the retention of the existing numbers on the Development Management Committee.

8. Fylde Coast Bathing Waters

The Committee considered an updated report on the Fylde Coast Bathing Waters.

The Chairman, Councillor Mulholland explained that since the last meeting of the committee, a further meeting of the Bathing Water Scrutiny Panel had been held at Blackpool Council. Councillor Akeroyd represented the borough

council at the meeting. Councillor Mulholland suggested that the Panel had not operated as a joint scrutiny and it was felt that there was further merit in taking a joint scrutiny approach forward.

The Chairman then invited Paul Walker (Director of Development Services) and Andrew Dickson (Head of Technical Services) to expand on the subject. Mr Walker explained that since the last meeting, further work had been done on the Ten Point Action Plan. The latest draft was attached to the report and members were invited to comment on each section of the Plan.

Mr Walker further reported that it is intended that the Plan be finalised and launched at the Fylde Peninsular Water Management Group Workshop (to which key members of the borough council had been invited) on Monday, 22 April 2013.

Councillor John Singleton asked officers whether more low level plans to address flooding matters within his ward were likely to be made available in the near future. Mr Walker addressed this point.

Following detailed consideration of this matter the committee RESOLVED:

1. To note the updated report.
2. To ask the Chairman, Councillor Kiran Mulholland to further pursue a joint scrutiny approach with neighbouring authorities and work with the Director of Resources on the models available.
3. To present an updated report to a future meeting of the committee.

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REPORT



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	CABINET	8 MAY 2013	5

COMMUNITY ASSET NOMINATION - THE VICTORIA, CHURCH ROAD, ST ANNES

Public Item

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

Summary

The council has received a nomination for the inclusion of the Victoria public house in St Annes in its list of assets of community value. Under the Localism Act 2011, the cabinet must decide whether the property fulfils the criteria for inclusion and, if it does, include it in the list.

Recommendation

1. Agree that the Victoria public house, St Annes is land of community value, in that in the opinion of the authority the actual use of the building furthers the social wellbeing and social interests of the local community; and
2. Accept the nomination to include the Victoria in the council's list of assets of community value.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:
Social wellbeing: Councillor Cheryl Little

Summary of previous decisions

None

Continued....

Report

Criteria for listing

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty on Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. Land is of community value if (in the opinion of the local authority) an actual or current use¹ of it furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be a use of the land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
3. Land is also of community value if (again in the opinion of the local authority) there has been a time in the recent past when an actual use¹ of it furthered the social wellbeing or social interests of the local community and it is realistic to think that there is a time in the next five years when there could be a use of the land that would further (whether or not in the same way) the social wellbeing or social interests of the local community.
4. "Social interests" includes cultural interests, recreational interests and sporting interests.
5. Although it is for the local authority to determine whether an asset falls within the criteria to be included in the list, assets may only be included in the list in response to a nomination by a parish council or a voluntary or community body with a local connection. In addition to the List of Assets of Community Value the council must also maintain a list of land which has been the subject of unsuccessful nominations.

Effect of listing

6. If the land is included in the list, the land would become subject to notification requirements and moratorium periods that would apply if an owner of the land wished to dispose of it.
7. An owner cannot dispose of property/land that is on the list, unless they have informed the local authority. Informing the local authority triggers the interim moratorium period. The interim moratorium period lasts for 6 weeks, during which time a community interest group can request the local authority that they be treated as a potential bidder. If the local authority receives such a request, the full moratorium period, which lasts for six months from the time the owner notified the authority of its intention to dispose, takes effect. The owner may not, subject to certain exceptions, dispose of the property during an applicable moratorium period.

The application

8. The nomination to list the Victoria was made by St Annes on the Sea Town Council. The property is within the town council's area. The property does not fall within one of the exceptional categories of land that are not capable of being land of community value (residence, caravan site, operational land). The cabinet must therefore consider whether, in their opinion, the land falls within either of the categories of land of community value set out in paragraphs 2 or 3 above.

¹ Ancillary uses do not count.

9. In support of the nomination, the town council states:

The Council believes that this is a valuable Community Asset that remains at risk despite the recent refusal of alternative development. The recognition that this is an Asset of Community Value is supported by the evidence given at the Public Inquiry and the Inspectors conclusions given at Paragraphs 175 and 178 of his report which is attached.

10. Paragraphs 175 and 178 of the inquiry decision letter are as follows:

175. The VH is of considerable value to the local community. There are no reasonable alternatives close by, which provide its range of facilities. Its loss would reduce the community's ability to meet its day-to-day needs and would undermine community cohesion.

178. The heritage and community detriment of losing the VH would be substantial. The benefit of the proposed housing scheme would be modest. In my judgement the advantages of the proposed scheme do not sufficiently outweigh the harm that would be caused by losing the VH.

The full decision letter is appended to this report.

Consideration

11. As it is clear that it is within the authority's area, the only question for the cabinet is whether the land nominated is of community value, as defined in the Localism Act and reproduced in paragraphs 2 and 3 of this report. If the land is considered to be of community value, listing is mandatory.

12. The evidence given to the planning inquiry made a strong case that the current use of the Victoria as a public house furthers the social wellbeing and social interests (particularly the recreational interests) of the community of the part of St Annes in which it is situated.

13. The planning inspector is an impartial objective decision-maker. Paragraphs 175 and 178 of her decision letter in particular make it clear that she accepted that evidence and therefore accepted that the Victoria is land of community value.

14. In the circumstances, unless members are aware of circumstances that indicate otherwise, members are recommended to accept that the Victoria is land of community value and accept the nomination for inclusion on the council's list.

IMPLICATIONS	
Finance	<p>The listing of land can give rise to a claim for compensation from the owner of the land if he has incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed. However, the possibility of a compensation liability is not a ground which the council can take into account in deciding whether to include land on its list.</p> <p>The Council is liable for any compensation payment that may be required to be paid to owners of properties in the circumstances described above up to a limit of £20k in any</p>

	financial year, with any compensation above this level being met by central government. In recognition of this new potential burden the Council received a grant from central government in the sum of £16k in 2012/13. A Community Right to Bid Reserve was created in 2012/13 to set aside this grant to fund the costs of any future compensation that might be payable under the scheme. The Council will also receive additional grant in relation to this scheme in 2013/14 which will increase the level of the reserve.
Legal	The owner of land can require a review of the decision to list his land. A review must be carried out by an officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed. The result of the review can be appealed through the tribunal system
Community Safety	None
Human Rights and Equalities	The government considers that the system for listing assets of community value is compatible with the European Convention on Human Rights
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	See the comments under "Finance"

Report Author	Tel	Date	Doc ID
Ian Curtis	(01253) 658506	4 April 2013	

List of Background Papers		
Name of document	Date	Where available for inspection
Email and attachments from St Annes on the Sea Town Council	18 March 2013	Town Hall, St Annes
Community Right to Bid: Non-Statutory Advice Note for Local Authorities	October 2012	www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities

Attached documents

1. Planning appeal decision letter.



The Planning
Inspectorate

Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8252
Customer Services: 0117 372 6372

Mrs Elizabeth Redmayne
Fylde Borough Council
Development Control
Town Hall
South Promenade
St Annes
Lancs
FY8 1LW

Your Ref: 10/0850
Our Ref: APP/M2325/A/12/2168726/NWF
Date: 20 June 2012

Dear Mrs Redmayne

Town and Country Planning Act 1990
Appeal by McCarthy and Stone Retirement Lifestyles Ltd
Site at Victoria Hotel, Church Road, St. Annes, Lytham St. Annes, FY8 3NE

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Jacky Parsons

COVERDL1



You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



The Planning
Inspectorate

Appeal Decision

Inquiry held on 24 to 26 April 2012

Site visit made on 25 April 2012

by **Elizabeth C Ord LLB(Hons) LLM MA DipTUS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2012

Appeal Ref: APP/M2325/A/12/2168726

Victoria Hotel, Church Road, St. Annes, Lytham St. Annes, FY8 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by McCarthy and Stone Retirement Lifestyles Ltd. against the decision of Fylde Borough Council.
- The application Ref 10/0850, dated 29 November 2010, was refused by notice dated 14 December 2011.
- The development proposed is the erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking.

Decision

1. The appeal is dismissed.

Evidential Matters

2. Although the Council refused the application on the basis of the importance of the Victoria Hotel (VH) as a community facility, it chose not to offer any evidence in support of its decision, a factor which the Appellant says is very significant. On the understanding that the Council would not seek to present a positive case at appeal, the Appellant indicated at the inquiry that it would not be making a costs application.
3. The reason for the Council's lack of evidence is set out in its statement of case submitted on 6 March 2012. This document explains that the Council believes that the VH is a community asset which contributes to sustaining a strong, vibrant and healthy community and, therefore, it furthers both the social well being and the social interests of the local community. As such, the Council states that it would comply with the definition of "Assets of Community Value" as contained in The Localism Act 2011 (ss. 88(1) and (2)) and the *Assets of Community Value* Policy Statement (DCGL September 2011). The Council's case is that *"the value of the Victoria Hotel as a community asset is a material consideration of great weight"*.
4. However, the Council's statement of case goes on to explain that because the necessary regulations have not yet been made to implement the relevant Localism Act provisions, the Council accepts that there is currently no implemented legislation, which would enable the VH to be listed as an "Asset of Community Value".

5. Therefore, the Council's position at the inquiry was that, in the absence of directly relevant policy provision in the Fylde Borough Local Plan As Altered, adopted in October 2005 (FBLP) and the North West of England Plan – Regional Spatial Strategy to 2021, adopted in September 2008 (RSS), and in the absence of guidance on the weight to give to an unlisted "Asset of Community Value" and the associated unimplemented legislation, it would produce no evidence to the inquiry in support of its reason for refusal.
6. Nonetheless, the Council made its intention not to present evidence known before the National Planning Policy Framework (the Framework) was published on 27 March 2012. The Framework has brought about relevant policy changes and, in determining this application afresh, I must consider the guidance within the Framework.
7. Whilst I heard no evidence from the Council, I did hear evidence from the Appellant on heritage, community matters, policy and housing need. Opposing evidence was given by a Rule 6 Party, the Victoria Hotel Community Association (VHCA) and from a considerable number of interested parties. Because of the unusual situation regarding the Council's position, and due to the nature of much of the evidence given, I have found it helpful in my reasoning to set out in detail how I have reached my determination.

Procedural Matters

8. At the start of the inquiry the Appellant requested fourteen days to complete the execution of a section 106 obligation¹. This request was refused although seven days were allowed for the production of a certified copy to the Planning Inspectorate. A certified copy was produced within this time period.
9. Apart from the sums of money for community facilities at the ex-servicemen's club and Methodist centre, which the Appellant invites me to disregard, I am satisfied that the obligation meets the tests within Regulation 122 of the Community Infrastructure Levy Regulations and within paragraph 204 of the Framework². Therefore, I have taken into account the £65,000 towards off-site public open space, the £65,000 towards the St. Albans Road regeneration project, the £18,000 towards transport infrastructure, and the £132,000 towards off-site affordable housing.
10. On the first morning of the inquiry the VHCA requested an adjournment of four weeks to respond to the Appellant's rebuttal evidence, which it had received on the previous Friday, giving it only two working days to formulate a response before the inquiry. This request was refused on the basis that an adjournment would be costly and that many people had taken time off work to attend the inquiry. Furthermore, I had no availability until September 2012 and, in any event, given the nature of the rebuttal, the VHCA should have been able to respond during the course of the inquiry. With the Appellant's agreement the VHCA were given until the close of evidence to prepare any response it wished to put forward.
11. At the end of the first day of the inquiry a short film and slides were shown in evidence by the VHCA. With the agreement of all parties, and on the understanding that it did not form part of the evidence, another short film of

¹ In the form of a unilateral undertaking made on 30 April 2012

² Account having been taken of Doc. 30 – Community Infrastructure Levy compliance document.

musical events at the VH was played on the last day of the inquiry during an adjournment.

12. I conducted an informal unaccompanied site visit of the area on the evening of 24 April and an accompanied site visit of the inside and outside of the VH on the evening of the 25 April.

Main Issues

13. From the evidence I heard and read, and from what I saw on my site visits, I consider the main issues to be:
- 1) Whether the VH should properly be considered as a heritage asset and, if so, of what significance it is;
 - 2) Whether the VH is an established, valued, community facility, which is capable of having a continued viable use;
 - 3) Whether the proposal would help meet an identified housing need; and
 - 4) Having regard to guidance in the Framework and weighing the considerations in favour and against the proposal, to determine where the planning balance lies.

Reasons

Heritage

14. The Council has not raised any heritage concerns although heritage is an issue which has been identified by the VHCA and other interested parties. The VH is not a designated heritage asset, although it is argued by local people and others that it has heritage value. Consequently, I must consider whether the VH can reasonably be regarded as a heritage asset, albeit undesignated.

Policy

15. One of the overarching core planning principles within paragraph 17 of the Framework is to: *"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations³".*
16. More specific policy provisions are found within section 12 of the Framework, which seeks to conserve and enhance the historic environment, and makes provision for heritage assets.
17. Paragraph 126 of the Framework advises Local planning authorities to *"set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance"*.
18. There is no provision within the FBLP for listing heritage assets of local importance. However, in accordance with the Framework, the Council seems to recognise the importance of local listing and, I heard evidence at the inquiry that there is potential provision for a local list within the emerging local plan.

³ 10th bullet point.

19. Paragraph 131 of the Framework also provides that:

"In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness".*

20. Additionally at paragraph 135 the Framework requires the effect of an application on the significance of a non-designated heritage asset to be taken into account, and for a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the heritage asset.

21. With these policy considerations in mind, I now turn to consider whether the VH can properly be regarded as a heritage asset.

Heritage asset test

22. The term heritage asset is defined as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)⁴."

23. There is no definition of "identified" within the Framework. "Significance" is, however, defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting⁵."

24. When assessing value it is useful to consider the guidance issued by English Heritage (EH)⁶, and referred to by the Appellant's heritage witness, Mr. Beardmore in his assessment⁷. This takes a holistic approach and considers significance as a collective term for the sum of all the heritage values attached to a place grouped into the four categories⁸ of *evidential value⁹, historical value⁹, aesthetic value¹⁰ and communal value¹¹*.

25. Value judgements involve an element of subjectivity, as acknowledged by Mr. Beardmore, who referred to the judging of significance as being "...clearly

⁴ The Framework, Annex 2: Glossary

⁵ The Framework, Annex 2: Glossary

⁶ EH publication: *Conservation- Principles, policy and guidance, 2008.*

⁷ Beardmore §3.2

⁸ Derives from the potential of a place to yield evidence about past human activity.

⁹ Derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative.

¹⁰ Derives from the ways in which people draw sensory and intellectual stimulation from a place.

¹¹ Derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

subjective...¹². Therefore, what may be regarded as of little or no significance to one person may be of considerable significance to another and, indeed, this is reflected in the evidence before me.

26. The Civic Society identified the VH as being worthy of an application to EH for national listing. Although EH found that it did not meet the rigorous criteria for listing as a building of special architectural or historic interest in a national context, EH's advice report did attribute it with some positive references, as acknowledged by Mr. Beardmore¹³.
27. Whilst Mr Beardmore pointed out that EH's report endorsed most of his conclusions, I note that the only listed source for EH's report is Mr Beardmore's Assessment, which does not seem to cover *communal value*¹⁴. Furthermore, EH's report indicates that, in order to obtain a designation decision as quickly as possible, no consultation took place. Had there been consultation with the local community, the report may have discussed additional factors of local interest *gleaned from the community*, which may have reflected some *communal value*.
28. Although EH declined to list the VH, this does not mean that it is of no significance. I must determine whether it does have significance and this involves a consideration of the various values that might be attributed to it. I turn now to consider this matter.

Building

29. The VH was apparently constructed in about 1897, having been designed by a local architect, John Dent Harker, who also designed several landmark buildings in the wider area¹⁵ which, according to the Civic Society, include the listed St. Anne's library, and the Assembly Rooms, later known as the Palace Buildings.
30. Whilst there have been some external alterations to the VH, and outbuildings used as stables have been demolished, it is common ground that, in broad terms, the footprint and external appearance of the main building has survived largely intact¹⁶. Additionally, Mr. Beardmore acknowledges that the general form and appearance of the VH seem to have been carried out in one building operation at the time of the original construction, and consequently he indicates that the Civic Society is probably correct in referring to it as a generally intact example of a late Victorian Hotel¹⁷.
31. Mr. Beardmore takes the view that the design is not of a high architectural standard, and that the building's over elaborate ornamentation comes at the expense of great cohesion or real design quality¹⁸. The Civic Society and the St. Anne's on Sea Town Council refer to it respectively as a good/excellent example of late Victorian Architecture¹⁹. Mr. Beardmore acknowledges that: *"There is no doubt that the building has a number of examples of fine detailing,*

¹² Beardmore Assessment §3.7

¹³ Beardmore proof of evidence §5.3 and appendix B.

¹⁴ Beardmore proof of evidence §5.11

¹⁵ Doc. 15 details of John Dent Harker and doc. 16 Old Civic Society photographs with captions

¹⁶ Beardmore Assessment §1.3; The Ordnance Survey map of 1911 shows the VH main building largely in its current form (Beardmore Assessment §1.1).

¹⁷ Beardmore Assessment §2.1

¹⁸ Beardmore Assessment §2.5

¹⁹ Doc. 6 – Statement of Susan M. Cornah B Arch, MCD, RIBA, MRTPI(Retired); Doc. 5 – Statement of Carol Lanyon.

- with a commendable attention to detail²⁰". In this regard Fylde Borough Council's head of regeneration and tourism states that *"The chimneys are of particular interest with fine brick "ribbing" detailing²¹"*.
32. With respect to the VH's fine building detail, account should be taken of Policy EP7 of the FBLP. This seeks to avoid the removal of local features of quality or craftsmanship, including detailed features on buildings, and suggests in the justification that, in total and over time, such removal represents a real loss of local identity and a devaluation of the overall quality of environment and experience.
33. Although Mr. Beardmore describes the rear of the building as being utilitarian, bland and functional in appearance²², he also refers to the primary scale of the building (in terms of overall height, length and mass), as being impressive with high quality, dark, red-brown, facing brick being used extensively in the three public facades²³. Fylde Borough Council's head of regeneration and tourism indicates that on a local basis it is *"...quite unique in terms of its presence, scale and style²⁴"*.
34. With respect to the interior, Mr. Beardmore refers to the upper floors having been subjected to some considerable alteration and in particular the crudely executed removal of most of the original fireplaces²⁵. It was evident on my site visit that these floors are in a state of disrepair and there are unsightly gaps in the chimneys where fireplaces would be expected to be. Anecdotal evidence from local residents points to a previous landlord purposefully extracting these fireplaces.
35. Certainly, with the exception of the manager's accommodation on the first floor, it would appear that the upper floors have been neglected. Also, with regard to the fenestration, Mr. Beardmore states that *"The condition of all the original windows appears to be deteriorating rapidly as a result of lack of maintenance²⁶"*. In this regard the Framework provides that: *"Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision²⁷"*.
36. Moving to the interior at ground level, as stated by Mr. Beardmore, there appears to be some semblance of the VH's original features or at least its ambience²⁸. Whilst the advice report from EH refers to alterations to the ground floor, including the complete removal of the main staircase, it also indicates that some original features remain, such as fireplaces, moulded corbels, beams and panelling²⁹. This area is currently in use as a public house and is in a better state of repair.
37. In general, the evidence suggests that the VH provides a physical example of an impressive, large scale, late Victorian hotel with some fine detailing. It is generally intact externally, but has undergone substantial alteration internally.

²⁰ Beardmore Assessment §2.16

²¹ Letter from Fylde Borough Council's head of regeneration and tourism.

²² Beardmore Assessment §2.8

²³ Beardmore Assessment §§2.2 & 2.7

²⁴ Letter from Fylde Borough Council's head of regeneration and tourism.

²⁵ Beardmore Assessment §2.14

²⁶ Beardmore Assessment §2.10

²⁷ §130

²⁸ Beardmore Assessment §2.13

²⁹ Beardmore Proof, appendix B.

On a local level, it appears that it is of some architectural interest. Consequently, with regard to EH's categories of value, it seems to me that the physical building of the VH has some historical and aesthetic value.

Setting

38. The setting of a heritage asset is defined in the Framework as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*³⁰". Consequently, setting is important in determining significance, and I must, therefore, determine whether the setting of the VH contributes to its significance.
39. The VH was built not long after the Victorian resort of St. Anne's began to be developed from about 1875 by the St. Anne's Land & Building Company, and during a period when a considerable amount of development was taking place in this part of St. Anne's. I understand that the VH was designed in the domestic style of Gothic Architecture that the St. Anne's on Sea Land and Building Company required for the area³¹.
40. The VH is located inland from the town centre and some way from the coast on the junction of Church Road and St. Albans Road. The Council's head of regeneration and tourism describes it as "*[sitting] within a grouping of development clustered around the cross roads of St. Anne's Road East and Church Road*³²". Much of this grouping originates from the same period as the VH and includes the Wesleyan Methodist Church opposite the VH, the parish church of St. Anne's and associated Parish Rooms on St. Annes Road East, and the Heyhouses school building on nearby Clarendon Road.
41. Clarendon Road and St. Albans Road were also laid around this time, and nearby working class houses along Curzon Road, Church Road and Holmfield Road were constructed to house the builders and craftsmen who were constructing the new resort³³. Sometime later, in 1924³⁴, Beauclerk Gardens were created, which are within the St. Anne's Road East Conservation Area, and are separated from the VH only by a narrow lane which runs adjacent to the boundary of this Conservation Area.
42. Mr. Beardmore acknowledges that in the light of its age, and therefore that part of the late Victorian development of the town, the VH may be said to make a modest contribution to the appearance of the locality in terms of maintaining the ambience created by its historical consistency³⁵. The Civic Society refers to it as "*an important townscape element creating strong local visual identity along with the Church Road Methodist Church, the St. Anne's Parish Church, and the gardens immediately adjacent to the Vic*³⁶". Mr. Beardmore does not dispute that it forms part of the contemporary townscape of this part of St.

³⁰ Annex 2

³¹ Doc. 6 – statement of Susan Cornah B.Arch, MCD, RIBA, MRTPI (retired)

³² Letter from Fylde borough Council head of regeneration and tourism.

³³ Extract entitled *St. Anne's East of the Railway*.

³⁴ Extract entitled *St. Anne's East of the Railway*. This accords with Mr. Beardmore's suggestion of between 1911 and 1932 at §1.2 of his assessment.

³⁵ Beardmore Assessment §2.16

³⁶ Doc. 6 – statement of Susan Cornah B.Arch, MCD, RIBA, MRTPI (retired)

Anne's³⁷. The conservation advisor to the Victorian Society³⁸ states that *"Together with the neighbouring church, shops and residential buildings it forms a consistently Victorian streetscape³⁹"*.

43. There is no doubt that the VH is part of the historic townscape of this part of St. Anne's and it continues to make a material contribution to the distinctive character of its surroundings. Although the main aspect of the VH as seen through the trees from Beauclerk Gardens is towards its western side elevation and across to its less remarkable rear, overall its impressive form still makes a positive contribution to the setting of the Conservation Area, which itself is largely of Victorian/Edwardian character.
44. I believe that the loss of the VH and its replacement with the proposed development would diminish the value of the group of historic buildings of which it forms part, and would harm its setting. This setting, in turn contributes to its interest. Consequently, in terms of EH's categories of value, it seems to me that the setting of the VH adds to its historic and aesthetic value.

Use

45. Although details of the VH's original use are a little sketchy, it seems to be agreed that it originally functioned as a hotel with a public house⁴⁰. According to the Civic Society: *"Historically it is the only pub to be built for the community, away from the holiday area and upmarket development of St Anne's Square and the coastal strip⁴¹"*. The VHCA suggests that *"The Victoria Hotel was built in 1897 to celebrate the Diamond Jubilee of Queen Victoria. Built from the outset as a "working class" hotel, it has stood for a century as the hub for what is arguably the most significant and sustained working class community in St. Anne's⁴²"*.
46. Submitted published text on the history of St. Anne's, juxtaposed to a 1905 photograph of the VH and Methodist Church surrounded by terraced cottages, states that *"By the end of the Victorian era, this part of the town had become firmly established as the working class district of St. Anne's⁴³"*. The weight of evidence indicates that, whilst its use as a hotel ceased some time ago, the VH has continued to be used as a public house for "working class" people from its early years.
47. Local people have provided evidence of past events and activities taking place at/from the VH, such as the one shilling charabanc tours and the riding school operated from the now demolished stables⁴⁴. Patrons have articulated collective experiences and memories of the VH over many years and related accounts of family and friends who worked or socialised there in the past.
48. This evidence provides an insight into how the VH has evolved over time and demonstrates elements of a deep rooted, long lasting working class culture, which is still apparent in the VH today. As one local resident, Jeanette Draper,

³⁷ Beardmore Assessment §3.5

³⁸ A registered charity championing Victorian and Edwardian architecture (Patron - HRH The Duke of Gloucester).

³⁹ Doc. 22 - Letter from the Victorian Society.

⁴⁰ Beardmore Assessment §2.2 and various accounts given by interested parties.

⁴¹ Doc. 6- Statement of Susan M Cornah B Arch, MCD, RIBA, MRTPR (retired)

⁴² Proof of evidence - Cllr. Nash - §2

⁴³ Extract entitled *St. Anne's East of the Railway*. The photograph is also within Doc. 18.

⁴⁴ Photograph and caption within Doc. 16

put it *"The Vic is a real working class pub. Its history is in the people that use it. It is their lives and their memories"*⁴⁵. Accordingly, for all of these reasons, the evidence suggests that the present use of the VH has historical cultural links to the past. Therefore, in terms of EH's categories of value, I am of the opinion that it has cultural value.

Value to others

49. When attempting to assess the significance of the VH as a local heritage asset, account should be taken of the views of interested parties, including those of local people. Some views have already been set out above, but many more were put before this inquiry. Hundreds of interested local residents have given evidence, some orally and others through written representations, objecting to the demolition of what many describe as *"a much-loved and well-recognised landmark building that dates back over 100 years"*⁴⁶. It would appear that to these people the VH is seen as being of heritage value. Whilst Mr. Beardmore is essentially of the opinion that the VH has little significance⁴⁷, at the inquiry he expressed sympathy with the views of Jeanette Draper that the VH reflects *"the everyday lives of ordinary people"*⁴⁸.
50. I was told at the inquiry that the VH is of such value to the VHCA that it is seeking an opportunity itself to restore as many of the original features as is possible⁴⁹. The Civic Society says that *"This building is an obvious candidate for the forthcoming Local List of Heritage Assets and should not be lost on a technicality, that is, we have not got a list"*⁵⁰. The St. Anne's on Sea Town Council has identified the VH as being worthy of a Blue Plaque award, and a Conservation Advisor to the Victorian Society has written *"...it certainly merits inclusion in the neighbouring conservation area"*⁵¹.
51. Also of note is the indication from the archaeology planning officer for Lancashire County Council that, had the County Archaeology Service been aware of the potential historical significance of the building at the time of the submission of the planning application, it is likely that they would have commented in a similar vein to the Victorian Society, namely that they would also wish to see the building retained and re-used⁵². Furthermore, Fylde Borough Council's head of regeneration and tourism has identified the building as being of *"...symbolic and cultural significance on a town wide basis"* and *"physically significant within the built hierarchy of the town and locality"*⁵³.
52. These views summarise current values. However, in accordance with the Framework's definition of significance, it is not just the value of the VH to this generation that must be considered, but also the value to future generations.
53. A local member of the British Aviation Archaeological Council, who describes the VH as *"a fine old characteristic nineteenth century building"* addresses this matter as follows: *"Winston Churchill once said that a country without any history has nothing, and that is what St. Anne's will become; a characterless"*

⁴⁵ Doc 36 – statement of Jeanette Draper

⁴⁶ A phrase used in many written representations and reflected in oral evidence.

⁴⁷ Beardmore, Assessment §2.15

⁴⁸ In response to a question from the Inspector

⁴⁹ Bruce Goodridge witness statement (Annex A of Cllr. Nash's proof)

⁵⁰ Dec. 6 – Statement of Susan M. Cornah B Arch, MCD, RIBA, MRTPI (Retired)

⁵¹ Doc. 22 – Letter from the Victorian Society.

⁵² Doc. 17 – Letter from the archaeology planning officer from Lancashire County Council.

⁵³ Letter from Fylde Borough Council's head of regeneration and tourism.

*town with no historic buildings*⁵⁴. The conservation advisor to the Victorian Society has also written that *"permitting demolition of this building, and its replacement by an architecturally undistinguished one, would permanently impoverish the visual culture and character of Lytham St. Anne's"*⁵⁵.

54. In considering all of these views, I give weight to the opinions of the VHCA and others who have given evidence of the VH's value to them. Therefore, it seems to me that the VH is of sufficient heritage interest to be of value to this generation of local people and to the generations to come.

Conclusion on heritage asset test

55. Whilst Mr. Beardmore essentially believes that the VH has little significance, he did comment at the inquiry that his views were given without the benefit of guidance on the Framework from case history. On the other hand several interested bodies have identified the physical presence of the VH as having local archaeological value. The VH also derives value from its setting and, in turn, makes a positive contribution to its setting. On a local level it is widely regarded as part of the community's cultural heritage and it represents an element of local history which is likely to be of local value to future generations.

56. For these reasons, I take the view that, in terms of EH's categories of value, the VH has sufficient aesthetic, historical and cultural value to be of local significance and to merit consideration in the planning balance. Therefore, in my determination, the VH is a heritage asset that is undesignated.

Assessment of the VH as a heritage asset against Framework policy

57. Having determined that the VH is a heritage asset, the proposed development should be considered against the heritage policy provisions within paragraphs 17, 131 and 135 of the Framework, as set out in paragraphs 15, 19 and 20 above.
58. Paragraph 17 seeks to conserve heritage assets in a manner appropriate to their significance. The VH is a heritage asset of local significance and, therefore, the potential to conserve it attracts weight.
59. Turning to paragraph 131, the first part of the first bullet point relates to the desirability of sustaining and enhancing the significance of a heritage asset. The loss of the VH would run contrary to this desire. The second part of the bullet point relates to the desirability of putting heritage assets to a viable use consistent with their conservation. Given that the VH has operated as a hotel and/or public house for over 100 years, its continued use as a public house would be consistent with its conservation. With respect to viability, I deal with this below in the section entitled *Community facility*.
60. The second bullet point of paragraph 131 relates to the positive contribution that can be made to sustainable communities by conserving heritage assets, including their economic vitality. I have found that the VH provides aesthetic, historic and cultural value to the community and, in this regard, it makes a positive contribution to sustainable communities. I return to economic vitality below in the section entitled *Community facility*.

⁵⁴ Letter from Russell Brown of the Lancashire Aircraft Investigation Team.

⁵⁵ Doc. 22 – Letter from the Victorian Society.

61. The third bullet point of paragraph 131 concerns the desirability of new development making a positive contribution to local character and distinctiveness. In this regard, whilst I am satisfied that the evidence does not reflect any material issues with the design of the proposed new building, its undistinguished, modern appearance lacking the patina of age, would contribute relatively little to the distinctive character of this area when compared to the vernacular style of the 19th century VH.
62. Moving on to paragraph 135, the effect of the proposal on the significance of the VH has to be taken into account, and I must make a balanced judgement, having regard to the scale of any harm or loss and the significance of this heritage asset. The impact of the proposal would be a total loss of a non-designated heritage asset of local significance. This must be considered in the planning balance.
63. I now turn to consider the VH as a community facility, including matters of viability, vitality, and community value, the latter of which relates to making a positive contribution to a sustainable community. As stated above, these are considerations under paragraph 131 of the Framework.

Community facility

64. Whilst the officer's report to committee recommended the grant of planning permission for the proposal, both the Borough Council's and the Town Council's planning and development management committees unanimously voted to refuse the application on the basis that the development would result in the loss of an important, accessible community facility.

Policy

65. One of the overarching core planning principles in paragraph 17 of the Framework is, amongst other things, to deliver sufficient community facilities and services to meet local needs⁵⁶. Specifically, section 8 of the Framework promotes healthy communities and refers to the important role the planning system can play in facilitating social interaction and creating inclusive communities.
66. In this regard paragraph 69 of the Framework advises local authorities to create a shared vision with communities of the residential environment and facilities they wish to see, and to promote opportunities for meetings between members of the community who might not otherwise come into contact with each other.
67. Moreover, paragraph 70 of the Framework encourages the provision and use of public houses, amongst other facilities, to enhance the sustainability of communities and residential environments, whilst seeking to ensure that established facilities are able to develop in a sustainable way, and are retained for the benefit of the community. It also advises that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Value to the community

68. When considering value, it is instructive to take account of the social context of the VH in terms of the people in this locality. In this regard, Councillor

⁵⁶ 12th bullet point.

Fazackerly, the Deputy Leader of the Council, gave evidence that this Central Ward location is within the top 25.5% deprived wards in the country and suffers from a disproportionately high level of social problems for the size of its population.

69. It was due to the needs of this community that the St. Albans Road area was identified for *Shaping the Place* renewal funding by the local strategic partnership⁵⁷. It is one of only three declared areas within the Fylde Borough area that is identified in the Council's Interim Housing Policy (IHP) as being most in need of public realm funding. In this regard thirteen Councillors wrote to the Appellant indicating that much of this funding would be wasted if the VH were lost⁵⁸. When considering the value of the VH to the community, this should be borne in mind.

70. It is common ground that the VH is an established public house, which has served the local community for many years. It is not disputed that it is considered to be of value to its patrons, and that for those who currently use and have in the past used the VH, its loss would be deeply regretted. This was demonstrated by the significant number of people giving evidence at the inquiry in support of its retention and the large volume of submitted letters and statements reflecting its value to the community.

71. The VHCA refers to VH as a vibrant public house with community spirit and describes it as the "*networking hub of the community*". Many local people suggest it is the only true local in the town, and it has been described as a "*rarity in a plasticised, homogenised age*"⁵⁹. It seems to integrate a wide range of people of differing backgrounds and age groups, and even their dogs, which is particularly appreciated by some patrons who gave evidence. It also provides facilities for young adults with learning disabilities from the Ormerod Group, who use it on a regular basis.

72. It has a busy programme throughout the week including "Open Mike – *Singing by the Seaside*" events, quizzes, discos and jazz. On a regular basis it hosts live bands and family activities, and it organises special events during the year including the "Vickstock" local bands festival and charity raising events⁶⁰. The VHCA refers to the VH as being one of the best live music venues on the Fylde.

73. The VH also offers recreation in the form of darts, pool and snooker, and possesses one of only two full sized snooker tables in the town⁶¹. It has a darts team and snooker team. It is known for its selection of real ales, and the local branch pubs officer of the Campaign for Real Ale (CAMRA) states that "*In 2012 its extent of pub facilities, events, spread of age groups and local community spirit puts it head and shoulders above most public houses in the area*"⁶². He goes on to indicate that its closure would be a real loss to CAMRA.

74. The VH provides some 12 jobs locally and, as unemployment within Central Ward seems to be almost twice the District average⁶³, the loss of these jobs would be significant. Whilst the proposed development would result in

⁵⁷ Statement of Cllr. Susan Fazackerly.

⁵⁸ Doc. 2 letter dated 20 April 2012

⁵⁹ Extract from the Blackpool Gazette dated 20 April 2012.

⁶⁰ Proof Cllr. Nash – appendix 2.

⁶¹ Proof Cllr. Nash §4

⁶² Statement Ray Jackson

⁶³ Statement Cllr. Fazackerley

- temporary construction jobs, on a permanent basis only 1 job is likely to be created⁶⁴.
75. The VH contributes to the vitality of the nearby shopping area, in that its patrons use its shopping facilities on a day to day basis and, I was told that this is particularly so of the several takeaways in the vicinity. In this respect retailers on St. Albans Road have signed a petition in support of saving the VH⁶⁵. Whilst I acknowledge that residents from the proposed retirement apartments would also use the nearby shops and centres in the locality, in my view they are less likely to contribute as much to the evening economy as the patrons of the VH. Furthermore, the physical presence of the VH, with its beer garden abutting the highway, and people going to and fro, creates a street scene vibrancy that would not be reflected by the retirement homes.
76. The Appellant indicates that there is just as much support for the proposed retirement scheme as there is for the retention of the VH, and it points to a public exhibition that it held in September 2010 where 51% of respondents apparently showed support for the development⁶⁶. However, the event took place on the other side of town to the VH on South Promenade, and lasted for only 4 hours. Besides a representative from each of the Town Council, Central Ward and the Development Control Committee, it appears that only 53 individuals signed the visitors' books and only 30 feedback forms and 21 comments cards were received.
77. Such a small sample of comments over such a short time period can only provide a snapshot in time and, given the venue, away from the St. Albans Road-area, it may not properly reflect the views of that community. Therefore, this feedback is of limited value. However, it is notable that, from these low numbers, 16 comments seem to indicate that the area is already overwhelmed with unsold retirement properties.
78. The Appellant also refers to another survey of local views, consisting of a one paged letter dated 21 March 2012, which indicates that 52% of people questioned have not used the VH within the last 6 months⁶⁷. Whilst this research was apparently conducted "*within a quarter and half mile*" of the VH, no information is given about its location, how it was carried out, or over what time period. Consequently, I give it limited weight.
79. In contrast, the VHCA suggests that the over-riding message from everyone it has communicated with is that the VH should not be demolished. It refers in particular to a survey done in March and April 2012 from a nearby post office over 3 weeks and at 2 local events, which indicates that, although a few people verbally opposed keeping the VH, all 493 written responses supported its retention⁶⁸.
80. There are no other public houses in the immediate area although there are several in the wider vicinity, the nearest lying within the town centre. Whilst there has been some debate over how long it would take to walk, the distance, this would depend on a person's health and physical ability to cross the several roads and negotiate the hillock on the edge of town. Although this walk would

⁶⁴ Application form section 19.

⁶⁵ Doc. 8 - Statement of Arnold Sumner from the Chamber of Trade.

⁶⁶ Community Involvement summary from "remarkable" dated November 2010.

⁶⁷ From "remarkable".

⁶⁸ Supplementary statement - Bruce Goodridge - containing summary survey and question posed.

be inconvenient to many, for some of the VH's more elderly or disabled patrons it would be very difficult, if not impossible.

81. I understand that none of the town centre or other outlying public houses offer all of the facilities available at the VH, although the Links Hotel, which is some distance away, seems to offer most⁶⁹.
82. There are other social facilities nearby. There is the Royal British Legion and the Ex Servicemen's club, although these are members clubs and apparently do not offer the variety of events available at the VH. Anecdotal evidence also suggests that these establishments do not have the same communal atmosphere as the VH, and that the latter is not perceived as being welcoming to women or families. Whilst other nearby establishments, such as the YMCA, the Methodist centre, and pensioners' community centre, provide community facilities, these centres are generally of a different nature and function to a public house.
83. In general it seems to me that other facilities in the area do not offer the range of facilities available at the VH and, in any event, most reasonable comparables are too distant for those with mobility problems. These other facilities do not appear to be satisfactory alternatives to the VH in terms of satisfying the social needs of this community.
84. Therefore, to sum up, I am satisfied that the VH represents an established, valued community facility, which integrates a wide variety of people and meets a range of social needs. Whilst there are other facilities in the area, they do not meet the same range of social needs as the VH. The VH is a vibrant public house, which contributes to the economic vitality of the area both in its own right and due to the additional footfall it creates within the nearby shopping area. The loss of the VH would significantly detract from the community's social needs and the sustainability of this community. In my judgement it would also have an adverse impact on the regeneration of the St. Albans Road area.

Assessment of community value against Framework policy

85. Returning to paragraph 131 of the Framework, referred to in the *Heritage* section above, with respect to the first bullet point, continuing to operate the VH as a public house is likely to sustain its significance and, should it be possible to effect a sympathetic restoration, this could enhance its significance. In terms of the second bullet point, conserving the VH should allow the positive contribution it is currently making to the sustainability of the community, including its economic vitality, to continue. Therefore, retaining the VH as a public house sits well with these parts of paragraph 131.
86. With respect to the community policies referred to in paragraphs 64, 65 and 66 above, paragraph 17 of the Framework seeks to ensure sufficient deliverance of community facilities and services to meet local needs. The VH represents a community facility, which satisfies a range of social needs locally. These needs could continue to be delivered if the VH were retained.
87. Against paragraph 69 of the Framework, the VH facilitates the social interaction of a wide variety of people and encourages an inclusive community. The local authority recognises its social function and, along with the community, shares

⁶⁹ Proof of evidence Cllr. Nash – Appendix 3

the desire to see it retained. Keeping the VH functioning would promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Consequently, retaining the VH would meet many of the aims of paragraph 69.

88. With regard to paragraph 70 of the Framework, The VH is an established public house, which enhances community cohesion, thereby benefiting community sustainability. It is a valued facility and its loss would reduce the community's ability to meet its day-to-day needs. Whether it is necessary to lose the VH depends on the planning balance, which I deal with below.

89. I shall now consider whether it is viable to retain the VH as a public house.

Viability

90. From the Appellant's surveyor's report⁷⁰ and my site visit, it is clear that the building is in disrepair, particularly on the upper floors. In the main, this seems to be due to lack of maintenance, which over the last few years may have been influenced by the anticipated disposal of the site. The owner of the VH, Spirit Pub Company, has indicated that it did not anticipate a planning decision taking such a long time⁷¹.
91. The costs of repairs and upgrading of services are said by the Appellant's surveyor to be in the region of £790,000⁷². Although there are no other costings before me in evidence, the VHCA has criticised these costs as being vastly exaggerated, having taken advice from local tradesmen, and as an example it refers to the £30,000 quoted to replace the damaged boundary wall.
92. Nonetheless, the VHCA acknowledge that the costs of repairing the VH would be considerable. Spirit Pub Company states that it cannot justify the substantial capital investment that is required to maintain the VH as a managed business, as it would not satisfy investors' "Return on Investment" criteria, and the site does not meet the company's particular demographic requirements for its pub brands⁷³.
93. With respect to profit, Spirit Pub Company states that this is minimal at house level, and once the head office costs of running it are taken into account, the VH makes a significant loss⁷⁴. However, the Appellant's witness, Mr. Lee (from James A Baker property consultants), indicated at the inquiry that losing the VH would make little difference to the owner's head office costs⁷⁵. He also referred to his own alternative estimate of net profit (excluding acquisition costs and repairs) of £40,000 with respect to an independent operator running the VH.
94. I also had the benefit of an independent report from the property valuers Colliers⁷⁶, dated January 2011, commissioned by the Appellant. In this report Colliers states that it was verbally advised by a representative of Punch Taverns that the projected turnover for its then current financial year was

⁷⁰ Bsfaa Consultants Ltd. dated 31 August 2010

⁷¹ Letter dated 28 March 2012

⁷² Budget Cost Report dated 20 March 2012

⁷³ Letter dated 28 March 2012

⁷⁴ Letter dated 28 March 2012

⁷⁵ In cross examination

⁷⁶ Valued by Colin Siebert FRICS IRRV MCI Arb (Director of Colliers International), within the requirements as to competence as set out in PS 1.4 and 1.5 of the Valuation Standards 6th Edition (the Red Book) issued by the Royal Institution of Chartered Surveyors.

expected to be £480,000 net of VAT (MAT £470,000 net), with projected profits of £66,000⁷⁷. This equates to about 14% turnover. However, it has not been confirmed that these were the figures actually realised, and Colliers were not provided with any profit and loss accounts.

95. Colliers, however, indicates that these figures are low. It says that *"In our view a pub of this nature should achieve a higher net profit than this and even given the relatively high costs of maintenance and repair, we would anticipate a realistic net profit to a competent operator of 20% turnover"*⁷⁸. Consequently, despite the building's state of disrepair, on Colliers evidence it appears that the VH still has the potential to achieve an annual profit close to £100,000.
96. Although Spirit Pub Company refers to strong competition in the area, Colliers indicates that, from conversations with the manager of the VH, trade appears to be relatively steady at present and there is little competition in the immediate vicinity⁷⁹. In Colliers' view *"The premises are perfectly suited for continued use as a public house although externally the appearance is very tired and internally the premises are slightly dated to some extent"*⁸⁰.
97. Colliers goes on to say that *"We are of the opinion that provided the property is properly maintained it is unlikely to reach the end of its physical or economic life in the foreseeable future"*⁸¹. Also, when discussing comparables, it states that *"Due to the relatively high trade of this outlet very few pubs of this type have been made available in the market over the past few years"*⁸².
98. Whilst the economic fortunes of public houses may be volatile and the industry has recently experienced considerable numbers of closures nationwide, the VH is well established and seems to be well used. Consequently, I prefer Colliers' independent evidence to that of Spirit Pub Company. Whilst no accounts have been submitted to this inquiry, and no evidence has been given by an accountant, it seems to me from Colliers report that, despite the building's disrepair, the VH should still be able to operate both physically and economically for the foreseeable future, and with good management there is a realistic prospect of it making a reasonable profit. Even on the basis of Mr Lee's more pessimistic figures, it still seems that there are prospects of the VH remaining in profit.
99. Moreover, even if the VH has become unsuited to Spirit Pub Company's requirements, there is little submitted evidence to demonstrate that another operator could not be found. Few details have been provided on marketing attempts to dispose of the VH as a going concern.
100. Spirit Pub Company indicates that the decision to dispose of the site was taken in 2009 and this is when it approached the market⁸³. This also seems to be the time when the Appellant's interest in the site commenced (around May 2009) resulting in a conditional contract to purchase the site in May 2010.

⁷⁷ Colliers valuation report January 2011 p. 2 of 11

⁷⁸ Colliers valuation report January 2011 p. 9 of 11

⁷⁹ Colliers valuation report January 2011 Executive summary

⁸⁰ Colliers valuation report January 2011 p. 5 of 11

⁸¹ Colliers valuation report January 2011 p. 5 of 11

⁸² Colliers valuation report January 2011 p. 8 of 11

⁸³ Letter dated 28 March 2012

101. Colliers value the VH at £600,000 for its existing use and £550,000 for an alternative use. However, it appears from Colliers' report that the Appellant is willing to purchase for the considerably higher sum of £900,000.
102. Whilst Spirit Pub Company says that the VH was marketed for lease in 2007 without a tenant being forthcoming, there are no details of this or any other marketing exercise before me. Furthermore, although it expresses its belief that the business would not be sustainable by another operator, Spirit Pub Company also states that, as a Public Listed Company, it has obligations to obtain the best market value for the site.
103. Overall, the evidence suggests that the Appellant has not demonstrated that sufficient attempts have been made to dispose of the VH as a going concern.
104. In summary, there is little evidence to demonstrate that the VH could not continue operating as a viable going concern. Whilst the building is in disrepair, I am satisfied that it is, nonetheless, physically capable of functioning as a public house for the foreseeable future. Economically, it appears that there are prospects of it making a reasonable financial return, if well managed. Although the VH may no longer be attractive to its current owner, it has not been satisfactorily demonstrated that the VH could not be disposed of as a profitable going concern. Consequently, I am not convinced that it would be unviable to continue operating the VH as a public house.

Assessment of viability against Framework policy

105. Returning to the second part of the first bullet point of paragraph 131 of the Framework, and the desirability of putting heritage assets to viable uses, I consider that there is reasonable evidence that the VH has the potential to have a viable use as a public house.
106. However, I heard evidence at the inquiry of a potential alternative and I turn now to consider this.

Community take over

107. Spirit Pub Company has stated that, if this appeal is dismissed, it will have little option but to very seriously consider the closure of the VH⁸⁴. However, there is the potential alternative of negotiating its take over by the community, and the VHCA would welcome such an opportunity.
108. The Government is committed to seeing the continued role of the local pub as the hub of community life, and the importance it places on the retention of established public houses is reflected by the existence of the All-Party Parliamentary Save the Pub Group and the appointment of Bob Neill as Minister for Community Pubs.
109. Furthermore, the Government's Big Society Agenda encourages community empowerment to offer local services and deliver community projects. It is the intention of Government to give local communities the power to save local pubs by taking them over. Consequently, the take over of the VH by the VHCA would sit well with Government policy.

⁸⁴ Letter dated 28 March 2012

110. I note that the VHCA has already demonstrated its commitment to save the VH. Although the VHCA has only recently been constituted⁸⁵, the community campaign to stop the VH from being demolished has apparently been running for over two years.
111. The evidence that was put to me by the VHCA was that it has about 165 signed up members and about 1,000 supporters on Facebook. The purpose of the VHCA is now no longer just to keep the VH running as a public house, but also to secure the building as a community centre. The development of a business plan is underway and the VHCA is in contact with other groups around the country who have carried out similar successful ventures.
112. I was told that the aim of the VHCA is to work in conjunction with the local authority and other voluntary organisations to provide a variety of community services needed in the area. Suggestions include an internet café, a crèche, an incubator for start up businesses and accommodation for the citizens' advice bureau, as well as practical assistance for the elderly and disabled. It would be hoped that this would eventually involve bringing the whole building back into use. Already, given the VH's apparent good record with the police, the VHCA is represented on Central Ward PACT (Police and Communities Together).
113. The Institute for Public Policy Research⁸⁶ refers to other community pubs becoming hosts for a range of important public services, including post offices and general stores, and providing broadband internet access. Moreover, the Appellant apparently has no doubts that the VHCA's intentions are genuine. It seems to me that, with commitment, the VHCA's proposition is not unrealistic in principle, although funding mechanisms would need to be explored.
114. In that regard I was referred to the minutes of the VHCA's first AGM, which record unanimously approved motions to contact the owners, Spirit Pub Company, to open negotiations, and to request a grant from the St. Anne's-on-the-Sea Town Council to set up a Community Interest Company (CIC). Functioning as a CIC would open up opportunities to apply for grants and loans to develop the community-oriented side of the business, and advice and guidance could be sought from the "Pub is the Hub"⁸⁷ charity.
115. Although repair costs would be high, I was told that the VH would be run on a not-for-profit basis, and that the VHCA plan to utilise profits to undertake a gradual rolling programme of improvements. Additionally, a considerable number of people including local tradesmen and businessmen have made pledges to support the project by providing labour, skills and knowledge⁸⁸. Evidence was given of the potential to accommodate a micro-brewery and apparently the Lytham Brewery has expressed an interest in producing a commemorative "Victoria Ale" for the VH⁸⁹.
116. I understand that a collection for cash donations has just been launched and soundings have been taken with respect to local people providing loans/purchasing shares to assist with the capital cost of the building. These initiatives, I am told, have been positively received⁹⁰. Additionally, to show

⁸⁵ Doc. 1 - constitution

⁸⁶ In its publication *Pubs and Places: The social value of community pubs* 2nd edition January 2012

⁸⁷ A charity initiated by HRH The Prince of Wales as president of Business in the Community.

⁸⁸ Doc. 27 - bundles of pledges

⁸⁹ Statement - Ray Jackson CAMRA

⁹⁰ Doc. 38 - Funding mechanism - Paul Alonze (retired aeronautical engineer within the operational analysis department of BAE).

- that local people are willing to assist, the VHCA points to funds already collected, which have been put to use for this inquiry.
117. Consequently, whilst the cost of this project would be high, support for it appears to be widespread. The potential for obtaining some resources from the supporting community and other organisations seems feasible. Furthermore, as a CIC, there would be the possibility of obtaining partnership funding including grants. Practical assistance and advice is also likely to be available from interested charities and organisations. Additionally, there is commercial financing. Overall, there are funding opportunities potentially available to the VHCA, which could make the prospects of a community take-over realistic.
118. However, the evidence is that there is currently no mechanism for ensuring that the VH's owner negotiates a disposal with the community. Nonetheless, my understanding is that this is set to change. The Localism Act⁹¹ provides for local authorities to maintain a list of assets of community value, which includes buildings used to further the social wellbeing or social interests of the community when it is realistic to think that the use can continue. Under these provisions, and subject to certain exceptions, community interest groups will be able to bid for property on such a list during a moratorium period when the owner would not otherwise be able to dispose of the land.
119. Although these "Community Right to Bid" provisions are not yet in force, a letter from Greg Clarke to the local MP, date stamped 19 April 2012, says: *"We are finalising the regulations prior to laying them in Parliament next month, aiming to bring these provisions into force in July at the earliest"*⁹². Consequently, it would seem that the relevant sections are likely to be implemented in the foreseeable future.
120. It is the Council's case that the VH is an asset of community value, which contributes to sustaining a strong, vibrant and healthy community. However, the contents of the regulations are not yet known and there is not yet a local list. There are likely to be exceptions to the right and an appeal/review procedure for unwilling owners. For these reasons there is no certainty that the VH would be included on any future local list.
121. The Appellant says that a pre-existing contract of acquisition, as is in place here, would be excluded. However, it is my understanding that the Appellant's contract is conditional on obtaining planning permission. If I am wrong, then the VH might not be capable of being listed. Otherwise, there might be a possibility.
122. In the absence of regulations, the highest I can put it is that on the face of it the VH seems to be the sort of establishment that would benefit from the "Community Right to Bid" provisions. Therefore, it may be a suitable candidate for an application under those provisions.
123. In conclusion, the VHCA has shown a commitment to negotiate the take over of the VH on a not-for-profit community basis. It seems that there are potential funding mechanisms available, which could make this proposal realistic. Whilst the "Community Right to Bid" provisions are not yet in force, the VH seems to be the type of establishment that may be a suitable candidate for listing in the future. Community control of the VH would accord with both Government

⁹¹ Sections 87 to 102⁹² Attached to opening statement for VHCA (Doc. 11)

policy in empowering the community, and local policy by contributing to the *Shaping the Place* regeneration initiative.

Assessment of community control against Framework Policy

124. In terms of paragraph 131 of the Framework, community control of the VH could provide an opportunity for sustaining and possibly enhancing the heritage significance of the building by running it as a public house, whilst bringing currently unused parts back into viable use through sympathetic repair.

125. With respect to paragraph 69 of the Framework, community involvement in running the VH could provide an opportunity to create the shared vision sought by this provision, and would continue to provide meeting opportunities for those who might not otherwise come into contact with each other.

126. The VHCA's proposals for the VH could result in the sustainable development of this established facility for the benefit of the community, thereby continuing to meet its day-to-day needs. Consequently, it would sit well with paragraph 70 of the Framework.

127. Having considered the benefits of retaining the VH, I now turn to consider the benefits of the proposal.

Housing need

Fylde borough's housing requirements

128. The proposal is for 24 one bedroomed and 16 two bedroomed apartments, which will contribute to the housing requirements of the area. Housing need in the Fylde Borough is currently assessed against the RSS, and the Council's IHP, adopted in July 2008⁹³. Based on RSS Policy L4, which contains a much higher dwelling requirement for the borough than the previous Joint Lancashire Structure Plan⁹⁴, there is a need for housing in the Fylde district.

129. However, this RSS requirement should be considered in the context of the Localism Act 2011, which provides for the abolition of regional strategies⁹⁵. The Council is now working towards setting its own lower housing requirement, as allowed by the Framework⁹⁶, although these local figures are still some way off adoption.

130. On the basis of the RSS figures the existing 1.4 years assessed supply⁹⁷ falls far short of the 5 year requirement set out in the Framework⁹⁸. If an additional 5% buffer is provided for, there would be an even greater shortfall. However, the 6 to 10 year supply⁹⁹ is much greater¹⁰⁰ and it appears that it is possible that some of these sites might deliver dwellings sooner and within the 5 year period¹⁰¹.

⁹³ This underwent two rounds of consultation.

⁹⁴ 360 compared 155 dwellings per annum

⁹⁵ Section 109.

⁹⁶ §47 1st bullet point.

⁹⁷ Fylde Borough Council Local Development Framework Annual Monitoring Report of December 2011 (AMR); §§13 & 14 show the assessed supply (2011-2016) to be 536 against a requirement of 1,910.

⁹⁸ §47

⁹⁹ Also required by §47 of the Framework.

¹⁰⁰ 1,212 supply against a 1,910 dwelling requirement (2012-2021).

¹⁰¹ AMR §16

Housing policy

131. The starting point is the development plan and, in this regard Policy SP1 of the FBLP permits development within the settlements of Lytham and St. Anne's, subject to other plan policies. More specifically, the IHP provides for the granting of residential development subject to a list of 12 criteria, one of which is that the development of the site would not significantly harm the character of the settlement or any other planning interest.
132. However, paragraph 49 of the Framework provides that: "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*". As there is not a five year supply of deliverable housing sites within the Fylde Borough administrative area, the relevant housing policies within the FBLP and the IHP should be considered out of date and the presumption in favour of sustainable development should be treated as paramount.
133. The Appellant also refers to the Ministerial Statement: *Planning for Growth*¹⁰², including that part which states: "*Government's clear expectation is that the answer to development and growth should wherever possible be "yes", except where this would compromise the key sustainable development principles set out in national planning policy*".
134. Turning then to consider the Framework, one of the overarching core planning principles in paragraph 17 is to meet, amongst others things, the housing needs of an area¹⁰³. Another is to encourage the effective use of previously developed land¹⁰⁴.
135. Section 6 of the Framework goes on to make provision for delivering a wide choice of high quality homes. Paragraph 50 seeks the delivery of a mix of housing based on current and future demographic trends, market trends and the needs of different community groups, including the elderly¹⁰⁵. It also provides for the identification of the size, type, tenure and range of housing that is required in a particular location, to reflect local demand¹⁰⁶.

Housing needs of the elderly

136. The demographics of the area indicate that Lytham St Anne's has a relatively large population of older people¹⁰⁷. The proportion of elderly people has grown in the recent past and is set to increase, augmented by substantial pre-retirement and retirement net in-migration to this popular retirement destination¹⁰⁸.
137. Consequently, the Council recognises the need to develop a strategy to respond to this future growth to ensure that the needs of the ageing population are adequately met¹⁰⁹. In the context of considering a need to provide housing

¹⁰² 23 March 2011¹⁰³ 3rd bullet point¹⁰⁴ 8th bullet point¹⁰⁵ §50 1st bullet point¹⁰⁶ §50 2nd bullet point¹⁰⁷ A third of the population are over 65 years compared to 16% in the region - Fylde Coast Strategic Housing Market Assessment of April 2008 (SHMA) p.160.¹⁰⁸ SHMA pp.160 &183.¹⁰⁹ SHMA p.183.

for smaller households in general, the LDF steering group also refers to the need to focus on the development of homes to meet the needs of small elderly households, amongst others¹¹⁰.

138. The Elderly Accommodation Counsel (EAC) prepared an appraisal for the Appellant of potential demand against existing supply of purpose built housing, although it qualifies its report by indicating that it cannot guarantee that it might not have omitted some relevant schemes¹¹¹.

139. The report shows that there are 27 developments providing sheltered accommodation within the Fylde Borough Council area, not including non-sheltered "age-exclusive" developments for older people¹¹². These 27 schemes apparently provide 1,181 sheltered dwellings¹¹³. An analysis of supply within 3 miles of the site apparently demonstrates an even greater provision, with 2 age-exclusive schemes, 30 retirement schemes and 4 housing-with-care schemes, equating to 1,445 properties¹¹⁴.

140. The report goes on to indicate that there are 11,755 households headed by a person over the age of 60 years within the Fylde Borough Council administrative area¹¹⁵. However, it does not say how many of these households are seeking sheltered accommodation within St. Anne's or the wider Fylde Borough Council administrative area, and it does not say that there is an overall shortage of retirement housing in these areas. Therefore, I cannot tell from this report what shortage there may be for this type of housing.

141. What the report does say is that there is a high level of owner occupation (83.1%) amongst pensioner households in the Fylde Borough Council administrative area and that the vast majority of older people either prefer or are obliged to maintain their previous tenure status¹¹⁶. Therefore, despite the area having roughly equal levels of retirement housing for sale and for rent (in contrast to Lancashire as a whole and England where provision remains heavily skewed towards rental tenure¹¹⁷), the EAC suggests that the housing choices open to elderly owner-occupiers living in and around St. Anne's, or needing to move there, are poorly catered for. As the Appellant's proposal is for owner occupied units, it would help meet this need.

142. However, the Council acknowledges that the majority of elderly residents want to live within mainstream housing for as long as possible and generally only move into specialist housing when they have to¹¹⁸. In fact, the EAC recognises that most sheltered housing is now let or sold to people considerably beyond pensionable age¹¹⁹.

143. Consequently, it seems to me that the majority of the needs of older people are being met within the mainstream housing supply. Also, taking account of the Government's commitment to building and converting housing to the

¹¹⁰ *Defining the Requirement for New Homes in Fylde*, Fylde BC LDF Steering Group, 19 September 2011.

¹¹¹ EAC report p.6

¹¹² EAC report pp. 1, 2 & 7.

¹¹³ Comprising sheltered housing with a warden for support and linked to emergency services, and also assisted living housing with additional care facilities.

¹¹⁴ EAC report pp. 2 & 10.

¹¹⁵ EAC report p. 7.

¹¹⁶ Pp.7 & 9. "Pensioner" seems to refer to people over 60 years in the analysis.

¹¹⁷ EAC report p.8

¹¹⁸ SHMA p.184

¹¹⁹ EAC report p.9

Lifetime Homes standard, it is likely that older people will increasingly be able to live longer in mainstream housing before needing to move to specialist housing¹²⁰.

144. In summary, whilst there is an overall shortfall of housing in general, no supply and demand figures have been submitted to this inquiry specifically in relation to the needs of the elderly. The SHMA and the LDF Steering group only go so far by indicating that a strategy is required to respond to the future growth of the elderly population in the area, and by referring to a requirement for homes that meet the needs of small elderly households, amongst others. Therefore, the Appellant has not demonstrated the extent of the need for elderly housing. Nor has it shown that any such need is not being met in a way other than by providing the type of sheltered, retirement accommodation proposed. The only need that has been shown is for a greater choice of owner-occupied units for the elderly.

Housing needs of the locality

145. Although the Council has an obligation to consider the needs of its entire administrative area, it should also take account of the housing that is required in particular locations, reflecting local demand¹²¹. In this regard it should be remembered that this Central Ward location is within the top 25.5% deprived wards in the country, and that the St. Albans Road area is the subject of public realm regeneration funding from the *Shaping the Place* neighbourhood renewal scheme.
146. I heard from Mr. Goodridge of the VHCA that for many older people in this deprived, "working class" ward, the suggested average price for the proposed units, being £178,633 and £240,996 for one bedroomed and two bedroomed apartments respectively¹²², is likely to be financially unaffordable. Certainly, these prices seem to be significantly greater than most other small scale properties, including flats, currently for sale in the vicinity¹²³. Consequently, I am not convinced that the Appellant has demonstrated that the proposal would significantly address the housing needs of older people within this particular location.
147. Within the Fylde borough there is a low level of social housing and a need for social rented accommodation¹²⁴. Given its regeneration status, this need is likely to be reflected within the St. Albans Road area. The Framework seeks affordable housing provision where there is an identified need¹²⁵, and the IHP usually requires 30% of new housing units to be affordable. Through its unilateral undertaking the Appellant is offering an off-site contribution of £132,000, reduced to reflect viability issues. However, there is nothing in this unilateral undertaking to say that this sum would be used in this locality and the Council has offered no evidence that it would be.

Need for a housing mix

148. In order to create sustainable, inclusive and mixed communities, the Framework envisages a mix of housing supply. Paragraph 50 requires local

¹²⁰ SHMA p.184

¹²¹ §50 2nd bullet point.

¹²² HCA economic appraisal tool printed 12/12/2011.

¹²³ Doc. 40 - Lytham St. Anne's Express 26 April 2012.

¹²⁴ SHMA pp.160 & 178; Affordable Housing Needs Assessment 20 March 2012 (LDF Steering Group).

¹²⁵ §50 2nd bullet point.

planning authorities to plan for a mix of housing and to take account of the needs of different groups including families with children, older people, people with disabilities, service families and people wishing to build their own homes¹²⁶.

149. Therefore, in delivering new housing, the Council must consider the needs of other groups within the community besides the elderly. In commenting on the large numbers of elderly in the area and the influence of the balance of housing on the levels of in-migration, the Fylde Coast Housing Strategy (2009) seeks to influence future trends through the types of new housing available. In this regard it refers to an overall need to balance new development that meets the needs of older residents and in-comers, with the need for accommodation attractive and affordable to younger households¹²⁷.

150. Also, the Council's LDF Steering Group, whilst referring to the need to focus on the development of homes that meet the needs of small elderly households, nevertheless suggests that focusing on mid-sized accommodation that is relatively affordable to families would help fill a particular gap in supply in Lytham St. Anne's, and could encourage a community with a more even balance of ages¹²⁸.

151. Furthermore, when considering housing need, the existing supply and current mix of housing in the vicinity should be borne in mind. In this regard, the borough has a larger than average percentage of flats, accounting for 33% of dwellings, and in the central area, where the site is located, they apparently account for just over half of all dwellings¹²⁹.

152. In order to meet the housing needs of families and younger households as well as the elderly, it would seem that there is a need to balance the type of housing in the area. Whilst the proposal might result in older households moving out of family houses, thereby releasing them onto the housing market, there is no guarantee that this would occur or in what numbers. Given the level of in-migration of the elderly, if any such houses were released, this might be in another administrative area outside of the Fylde Borough.

Other housing matters

153. The Appellant refers to the site as being suitable for specialised housing and points to the relative scarcity of such sites as being an important factor to consider. It is acknowledged that the site is in an accessible, sustainable location, and that it is previously developed land. This is a benefit that weighs in favour of the development. However, I am not convinced that the Appellant has demonstrated the rarity of such sites.

Conclusion

154. The site is in an accessible, sustainable location, and is previously developed land. In this regard it is a good site for housing and this weighs in favour of the development.

155. There is a significant shortfall in the five year housing supply for the Fylde Borough Council administrative area and I give this substantial weight. Whilst

¹²⁶ §50, 1st bullet point.

¹²⁷ p.51

¹²⁸ *Defining the Requirement for New Homes in Fylde*, Fylde BC LDF Steering Group, 19 September 2011.

¹²⁹ Compared to 18% across the Fylde Coast and 13% in the region - SHMA p.160

some of that need is for accommodation for the elderly, the extent of this need has not been demonstrated. Moreover, most older people's needs are met by mainstream housing rather than the specialist, sheltered, retirement accommodation proposed.

156. The Council recognises the requirement for a mix of housing and the needs of the various groups within the community. With this mind a reasonable balance of housing types should be provided. The proposed apartments would be located in an area already containing a high number of flats and many retirement developments. Whilst there may be a need for more choice of retirement units to buy, the EAC analysis stops short of suggesting that there is an overall need for retirement homes in this location.
157. The site is within a deprived, regeneration area, where it is likely that many elderly people would be unable to afford the selling price of the proposed units. Other small scale properties on the market in the vicinity are generally likely to be financially more accessible to this community. Paragraph 50 of the Framework seeks to encourage housing provision that reflects the local demand of the particular location. The Appellant has not demonstrated that, within the locality of the St. Albans Road area, the proposal meets a housing need.

The planning balance

158. As this appeal is to be determined in the context of the presumption in favour of sustainable development, I find it helpful to set out the relevant parts of this presumption as per paragraph 14 of the Framework. In this case the presumption of sustainable development means (unless material considerations indicate otherwise): *"granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*. I shall now look at the Framework policies in the round.
159. I shall consider the benefits of the proposed housing first. The development would represent an effective use of previously developed land and, as such, would satisfy the paragraph 17 core principle of reusing previously developed land. It would provide 40 housing units in a sustainable location and would, therefore, satisfy another paragraph 17 core principle by sustainably delivering homes. These benefits carry weight.
160. It would contribute to meeting the five year housing land supply in paragraph 47, of which there is a significant shortfall. However, paragraph 17 requires the housing needs of an area to be identified and then met. The degree of need for housing for the elderly has not been demonstrated and nor has the need for the sheltered, retirement units proposed. All that has been shown is that there is a need for a better choice of owner-occupied housing for the elderly. Therefore, it is unclear to what extent the proposal would meet the housing needs of this area.
161. Furthermore, paragraph 50 seeks a mix of housing. There are many retirement dwellings and many flats in the vicinity and, therefore, I am not convinced that the proposal would promote an appropriate balance in this particular location. Paragraph 50 also seeks to encourage housing provision that reflects the local demand of the particular location. The Appellant has not satisfactorily demonstrated that there is a significant requirement for the proposal within the deprived, regeneration area of St. Albans Road.

162. Therefore, overall, whilst the proposal would make some contribution towards meeting housing needs, for the reasons given, the Appellant's case is not as strong as it argues. The weight I give to the benefit of meeting housing need is, therefore, reduced.

163. Turning now to the benefits of retaining the VH, I shall deal with heritage first. Keeping the VH would satisfy the paragraph 17 core principle of conserving heritage assets in a manner appropriate to their significance.

164. With respect to paragraph 135 I must consider the effect of the proposal on the significance of the VH as a non-designated heritage asset, and I must make a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance there would be total loss of a non-designated heritage asset of local significance, and this should be resisted.

165. Returning to paragraph 131, I find it helpful to again set out this provision:

"In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

166. With respect to the first point, given that the VH has operated as a hotel and/or public house for over 100 years, its continued use as a public house would be consistent with its conservation. The Appellant has not satisfactorily demonstrated that this use would be unviable and, on the contrary, with good management it seems that there are reasonable prospects of the VH functioning as a viable concern. Operating the VH as a public house is likely to sustain its significance and, should sympathetic restoration be effected, this could enhance its significance.

167. Regarding the second point, the VH is valued as a heritage asset by many in the Community and it provides a vibrant facility for the local population, whilst contributing to the economic vitality of the area. Therefore, it makes a positive contribution to the sustainability of the community.

168. On the third point, whilst I am satisfied that the evidence does not reflect any material issues with the design of the proposed new building, its undistinguished, modern appearance lacking the patina of age, would contribute relatively little to the distinctive character of this area when compared to the vernacular style of the 19th century VH.

169. Overall, I give these heritage considerations significant weight.

170. Turning now to community matters, as the VH represents a community facility, which satisfies a range of social needs, its retention would satisfy the paragraph 17 core principle of delivering sufficient community facilities and services to meet local needs.

171. It would reflect the aims of paragraph 69 in that the continued functioning of the VH as a public house, and possible expansion into other community services would represent the community's vision of what they wish to see. The vision of retaining the VH is shared with the local authority, which also recognises its social function. Keeping the VH would continue to afford opportunities for meetings between members of the community who might not otherwise come into contact with each other.
172. With respect to paragraph 70, the first bullet point seeks the provision and use of public houses, amongst other facilities, to enhance the sustainability of communities and residential environments. The VH facilitates the social interaction of a wide variety of people and promotes community cohesion, thereby benefiting community sustainability. This benefit would disappear with its loss.
173. The third bullet point of paragraph 70 seeks to ensure that established facilities are able to develop in a sustainable way, and are retained for the benefit of the community. The VH is an established public house and, if it is retained, there would be prospects of it being sustainably developed for the benefit of the community.
174. Finally, I consider the second bullet point of paragraph 70, which requires the planning balance to be addressed. This provides that planning decisions should: *"guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs"*.
175. The VH is of considerable value to the local community. There are no reasonable alternatives close by, which provide its range of facilities. Its loss would reduce the community's ability to meet its day-to-day needs and would undermine community cohesion.
176. For all of these reasons I attribute significant weight to these community considerations. However, in paragraph 70 terms, whether it is "necessary" to lose the VH depends on the overall planning balance, which I shall now deal with.
177. When striking the planning balance, a planning judgement has to be made by the decision maker. I have carefully considered all matters before me against the relevant policy provisions and particularly bearing in mind the presumption in favour of sustainable development.
178. The heritage and community detriment of losing the VH would be substantial. The benefit of the proposed housing scheme would be modest. In my judgement the advantages of the proposed scheme do not sufficiently outweigh the harm that would be caused by losing the VH.
179. In the terms of paragraph 70, the loss of the VH is unnecessary. Assessed against the presumption in favour of sustainable development, the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the benefits. Consequently, the proposal should not be allowed.
180. Furthermore, the proposal could not be made acceptable through the use of conditions or by virtue of the submitted planning obligation.

Conclusion

181. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth C. Ord

INSPECTOR

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY:**

Anthony Gill of Counsel

Instructed by Mark Evans of Fylde Borough Council

He did not call witnesses.

FOR THE APPELLANT:

Paul G Tucker of Queen's Counsel

Instructed by Peter Graham, Director of the Planning Bureau Ltd.

He called

Christopher Butt MRTPI

Director of the Planning Bureau Ltd.
Of Beardmore Associates

David Beardmore MSc,

MA, DipLD, DipLA,

DipUD, DipBlgCons,

FRTPI, CMLI, IHBC

Andrew Lee BSc, MRICS

Director at James A Baker Surveyors

FOR THE RULE 6 PARTY - THE VICTORIA HOTEL COMMUNITY ASSOCIATION:Councillor Edward J Nash
(Central Ward)

Instructed by the Victoria Hotel Community Association Committee

He gave his own evidence and also called
Bruce Goodridge

Victoria Hotel Community Association Committee Member

Cllr. Susan Fazackerley

Deputy Leader of Fylde Borough Council and Councillor for Central Ward

INTERESTED PERSONS:

Thomas Lawson

Local resident and organiser of "Open Mike" events

John Dickinson

Local resident

Cllr. Carol Lanyon

Vice Chairman on the Planning and Environment Committee of the Council, speaking on behalf of St. Anne's on the Sea Town Council

Susan Cornah B.Arch, MCD,
RIBA, MRTPI (retired)

Retired architect speaking on behalf of Lytham St. Anne's Civic Society

Cllr. Paul Hayhurst

Local Councillor

Edward Duralski

Local resident

Estelle Drummond

Local resident

Stephen Houghton

Local resident

Ray Jackson

Pubs Officer for the Blackpool, Fylde and Wyre branch of the Campaign for Real Ale

Arnold Sumner

On behalf of the Chamber of Trade

Denis Jones

Local resident and volunteer with Age Concern

Roy Parkinson	Visitor to the Victoria Hotel
Simon Osbourne	Serves in the Merchant Navy and drinks in the Victoria Hotel
Ocsar Marshall (speaking on his own behalf and also delivering a statement from his father Richard Marshall)	Local residents
Guy Openshaw	Local resident
Jeanette Draper	Local resident
John Dempsey	Local resident
Mick Allen	Local resident
David Wood	Local resident
Chris Lord	Local resident
Paul Alonze	Local resident
Martin Diggle	Local tradesman
Ruth Pettigrew	Local resident and Committee Member of The Victoria Hotel Community Association

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Constitution of the Victoria Hotel Community Association
- 2 Councillors' letter to McCarthy and Stone
- 3 Extract from the Localism Act 2011
- 4 Localism Act: Neighbourhood Plans and Community Right to Build
- 5 Cllr. Carol Lanyon - statement
- 6 Susan Cornah - statement
- 7 Ray Jackson - statement
- 8 Arnold Sumner - statement
- 9 Appeal decision APP/Y3805/A/11/2164238
- 10 Opening - Appellant
- 11 Opening - the Victoria Hotel Community Association
- 12 Opening - Council
- 13 Assets of Community Value - Policy Statement DCLG September 2011
- 14 Public House Viability Test
- 15 Details of the architect John Dent Harker
- 16 Old Civic Society photographs (with captions) of the Victoria Hotel and surrounding area
- 17 Letter to Council from Lancashire County Council's Archaeology Planning Officer
- 18 Additional old photographs and captions of the Victoria Hotel and surrounding area
- 19 Extract from Hansard 27 March 2012
- 20 Extract from Hansard 17 January 2011
- 21 Extract from Hansard 16 February 2011
- 22 Letter from the Conservation Advisor to The Victorian Society
- 23 Thomas Lawton - statement
- 24 Photographs of the interior of the Victoria Hotel
- 25 Photographs of the Victoria Hotel in its current state
- 26 Richard Marshal - statement and newspaper extract
- 27 Bundle of pledges of time and expertise

- 28 Paul Alonze - statement
- 29 Chris Lord - statement
- 30 Community Infrastructure Levy compliance document
- 31 Stephen Houghton - statement
- 32 Ruth Pettigrew – statement including extract from House of Commons debate on 24 April 2012
- 33 Extract from the Blackpool Gazette – 20 April 2012
- 34 Bruce Goodridge – supplementary statement
- 35 Letter from Stevie Wise, nephew of previous pub managers
- 36 Jeanette Draper - statement
- 37 Guy Openshaw - statement
- 38 Funding mechanism for the Victoria Hotel
- 39 Edward Duralski - statement
- 40 Extract from the Lytham St. Anne's Express – 26 April 2012
- 41 E-mail dated 23 April 2012 from the Principal Engineer at Lancashire County Council
- 42 Closing - VHCA
- 43 Closing - Council
- 44 Closing - Appellant
- 45 Executed obligation

REPORT

REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR COMMUNITY SERVICES	CABINET	8 MAY 2013	6

INFANT MEMORIAL GARDEN AND LYTHAM PARK CEMETERY INFRASTRUCTURE WORKS

Public Item

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

Summary

This report relates to the creation of a Infant Memorial Garden at Lytham Park Cemetery and the installation of a footpath adjacent to the lake area to service grave spaces. Part of the two capital schemes have been tendered as one package to create economies of scale.

The report sets out the context and details the receipt of quotations and makes recommendations to proceed with the project through the letting of a contract to complete the work.

Details of the financial breakdown of the proposed spend and the benefits of the projects are identified in the report.

Cabinet Portfolio

The item falls within the following Portfolios:

Social Wellbeing -

Councillor Cheryl Little

Summary of previous decisions

1. The £80,000 Infrastructure Investment at Lytham Park Cemetery was part of the Capital Programme for 2013/14 that was approved as part of the budget setting Council meeting of 4th March 2013.

2. The £30,000 Infant Memorial Garden was approved as an addition to the Capital programme at the Full Council meeting of 3rd December 2012.

Recommendations

Cabinet is recommended:

1. To approve the letting of the development of the Infant Memorial Garden to Landscape Engineering, in the sum of £29,125; and note that a sum of £30,000 is included within the Councils approved 2013/14 capital programme for this work.'
2. Subject to the necessary funding being in place, approve the process to engage the community artist to work with the community and deliver the central focal point sculptural element; and note that for procurement purposes this approach falls within the procedure for exempt contracts in that the goods, materials or works are of a proprietary or special character.
3. To approve the letting of the installation of the footpath adjacent to the lake to Landscape Engineering in the sum of £11,573; and note that this is part of the £80,000 sum for infrastructure investment at Lytham Park Cemetery, contained within the Councils approved 2013/14 capital programme.
4. To acknowledge the time and dedication of the bereaved parents, the Bereavement Support Nurse and officers of Fylde Borough Council in bringing this project together.

Reasons for Recommendation

1. To create an Infant Memorial Garden at Lytham Park Cemetery where still born and infants can be remembered.
2. To install a footpath adjacent to the lake to service 450 existing graves and open up 750 new grave spaces.
3. To ensure that the Council's procurement and financial regulations are complied with.
4. To recognise the valuable community engagement and partnership in developing the project.

Alternative options considered and rejected

1. To undertake the delivery of the project via the Borough Council's own staff. However, the work associated with the contract is of a specialist nature which is outside of the current capacity and expertise of the Council's staff.
2. Not to approve investment in the creation of an Infant Memorial Garden. The consequence would be that Lytham Park Cemetery could not provide a specific area where bereaved parents can grieve for their children.

3. Not to install a footpath adjacent to the lake will reduce access, especially by disabled and elderly visitors to gravesides and make the opening up the 750 additional grave spaces less effective.

Background

1. Lytham Park Cemetery is one of a number of cemeteries on the Fylde Coast operated by a local authority. Within their cemeteries Blackpool Council and Wyre Borough Council both have dedicated infant and still born baby sections. There is currently no area set aside within Lytham Park Cemetery specifically for the remembrance of infants and still born babies.
2. For the past 18 months we have been liaising with the Bereavement Support Nurse Specialist from Blackpool, Wyre and Fylde NHS Trust and bereaved parents to develop an Infant Memorial Garden at Lytham Park Cemetery.
3. Lytham Park provides the major focus for interments in the Borough. Investment in the infrastructure, roads, footpaths and drainage is required to ensure Fylde can continue to offer a professional burial service.

Funding Strategy

4. The funding is in place within the Council's 2013/14 capital programme to deliver the major elements of this project. Funding for the central sculpture remains to be identified at this stage as detailed below:

Funding	Amount	Status
Infant Memorial Garden	£30,000	FBC capital programme
Sculpture Infant Memorial Garden	£15,000	To be secured
Infrastructure	£80,000	FBC capital programme
Total	£125,000	

Current Situation

5. An area to the side of the existing Garden of Remembrance has been identified as the most suitable location for an Infant Memorial Garden. A design has been developed which includes an entrance archway, circular footpath/ walkway, benches and a central focal point sculpture(Appendix A)
6. The Infant Memorial Garden project will be delivered in two phases. Phase1 will include the infrastructure footpaths, paving, entrance archway and soft landscaping, to be delivered in May/June 2013.
7. Phase 2 will include the benches, memorial stone mushrooms and a central focal point sculpture. Funding is currently being raised to deliver these elements which are estimated to cost in the region of £15,000. When this funding has been raised invitations will be issued to a number of artists to prepare proposals for the work of art that will form the centrepiece of the Memorial Garden. The decision as to which proposal will be commissioned will be made following consultation with bereaved parents. For procurement purposes, commissioning the work of art falls within the

procedure for exempt contracts in rule 3 of the contract procedure rules, in that the goods, materials or works are of a proprietary or special character.

8. Similarly the infrastructure works will be delivered in phases. Phase 1 includes engagement of a consultant to design and tender the works, installation of new drainage and the creation of a new footpath adjacent to the lake. The project at this stage only includes installation of the new footpath to open up the additional burial area. Engagement of the consultant and drainage works will be detailed at a later stage once on site survey work of the existing drainage system is completed.
9. Phases 2 and 3 of the project delivering footpath and roadway surfacing, drainage, car park and a new service road opening up the rear section of the cemetery will be subject to identification of further capital funding.
10. Quotations have been received for the creation of the Infant Memorial Garden and the crematorium paths on a price only basis. Four suppliers submitted quotations as follows -

Company	Price
Barton Grange	£54,406
William Pye Limited	£48,645
JPW Contractors Ltd	£47,874
Landscape Engineering Ltd	£40,698

11. The estimated cost breakdown of the scheme is as follows:

Item	Estimated Cost
Footpath and Paving	£20,621
Archway	£1,400
Soft landscape	£3,144
Drainage	£1,960
Crematorium Footpaths	£11,573
Provisional Sum Plants	£500
Preliminaries	£1,000
Contingencies	£500
Total	£40,698

Financial Implications

12. These schemes form part of the Council's approved 2013/14 capital programme. Cabinet is therefore requested to approve the letting of a contract to Landscape Engineering in the sum of £40,698 implement the construction of phase 1 of the Infant Memorial Garden and install a new footpath adjacent to the lake.
13. There are no additional ongoing revenue budget implications regarding this project as the existing site based staff will be picking up the maintenance responsibility

14. The project is 'fully funded' through the Councils capital programme. The sculptural element of the Infant Memorial Garden will be commissioned on a fixed fee basis when the funding has been secured. For information the template identifying key risks associated with delivering the scheme is attached at (Appendix B). Additionally there is a £500 contingency allowance within the overall scheme budget. Value for money issues have been addressed by obtaining a number of quotations for the work.

Conclusion

15. The report recognises the contribution made to this project by bereaved parents and the Bereavement Support Nurse. It aims to provide a sympathetic garden of remembrance where bereaved parents can mourn the loss of a child and provide appropriate access to the grave side for other cemetery users. Improved infrastructure and facilities at Lytham Park Cemetery will ensure it continues to offer a professional burial service to the local community.

Report Author	Tel	Date	Doc ID
Darren Bell	01253 658465	16 th April 2013	

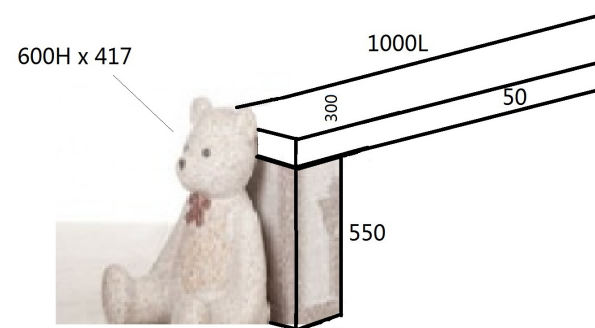
List of Background Papers		
Name of document	Date	Where available for inspection

IMPLICATIONS	
Finance	<p>This report seeks approval to incur expenditure in the sum of £40,698.</p> <p>Of this £29,125 relates to the Infant Memorial Garden scheme which forms part of the approved capital programme for 2013/14 in the sum of £30,000.</p> <p>The remaining £11,573 relates to works as part of the Infrastructure Investment scheme which forms part of the approved capital programme for 2013/14 in the sum of £80,000.</p>
Legal	None arising from this report
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report

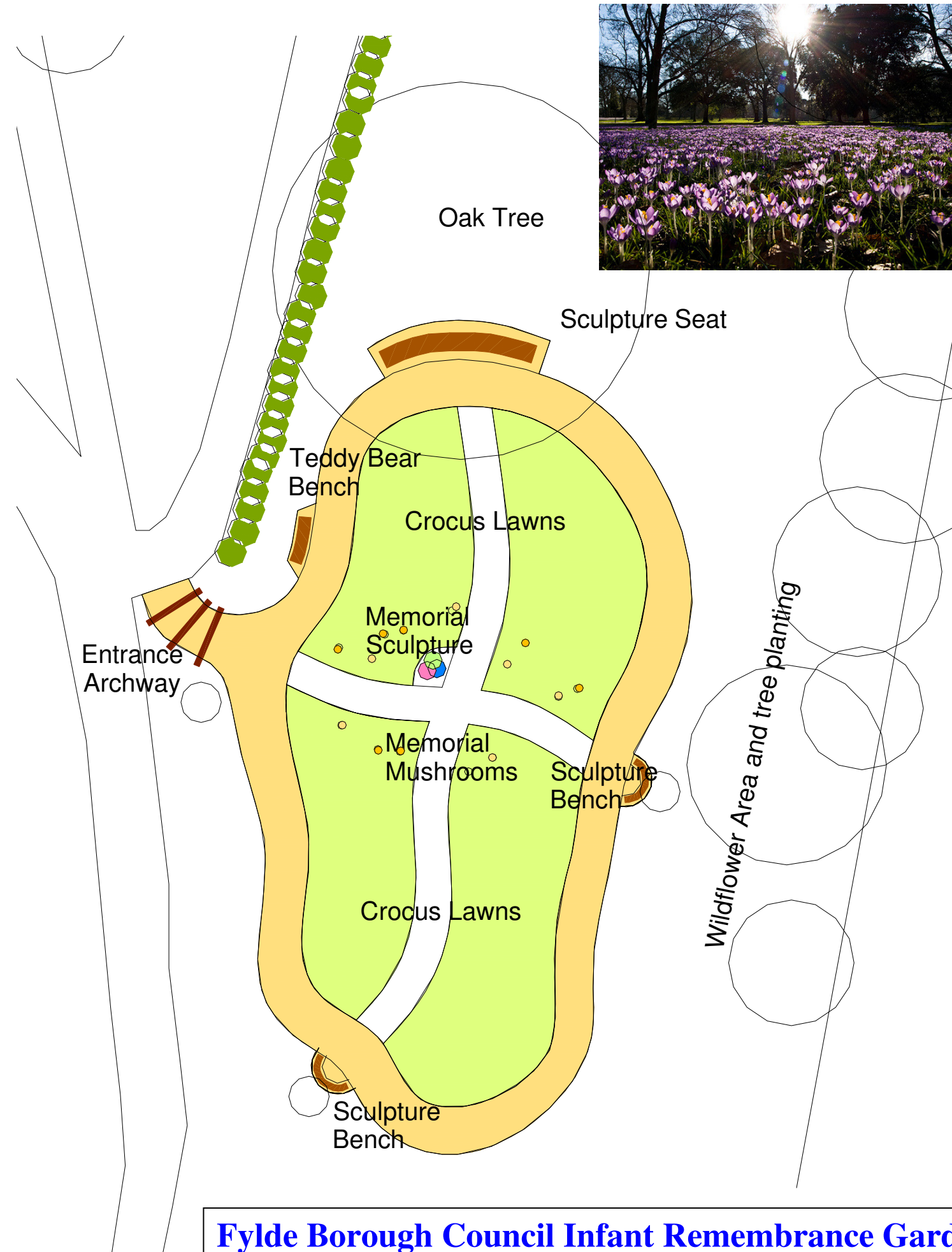
Sustainability	The proposals ensure that Lytham Park Cemetery can continue to offer a burial service in the long term.
Health & Safety and Risk Management	The quotation requests included Health and Safety information which will be developed by the successful contractors prior to starting on site to safeguard the public and contractor personnel.



Entrance Archway, 3 arches would be used.



Teddy Bear bench, shown with squirrels below.



APPENDIX A

Crocus planted in the lawns and bluebells in the wildflower areas



Memorials Mushroom, with a range of sizes, some smaller ones without plaques.

Fylde Borough Council Infant Remembrance Garden Proposal

Dec 2012

Committee Risk Assessment Template

Directorate: Community Services		Date of Assessment: 16 th April 2013		
Section: Cultural Services		Assessment Team: Darren Bell		
Assessment Activity / Area / Type: Creation of Infant Memorial Garden and Footpath Construction				
Do the hazards create a business continuity risk? No				
RISK DESCRIPTION	RISK SCORE (Likelihood x Impact)	RISK MITIGATION	RESIDUAL RISK SCORE (Likelihood x Impact)	RISK OWNER / RISK REGISTER
Unable to secure funding to deliver the sculptural element	9	No work will be commissioned until the necessary funding has been secured. Sponsorship by the local stone masons could be explored	6	Darren Bell
Increased maintenance implication for Fylde Borough Council.	6	The Garden area has been designed to be fairly low maintenance. The existing site based staff will be responsible for maintaining the area	3	Darren Bell
Failure of contractor to deliver to specification	9	Project management support from in house technical expertise and fixed price contract.	6	Darren Bell
Possibility of personal injury to the public during the construction period.	8	A pre-contract health and safety plan will be developed by the contractor to ensure the safe operation within the site. Areas of active construction will be fenced off and information provided about safety aspects of the construction	6	Darren Bell

APPENDIX B

		site. The contractor will carry five million pounds public liability insurance.		
The garden redevelopment fails to meet bereaved parents aspirations.	6	Bereaved parents will continue to be closely involved during the construction and the commissioning of the sculptural element phase.	3	Darren Bell
Increased risks to the public as a result of the development.	6	A full risk assessment will be completed before the area is open to the public.	4	Darren Bell
Project not delivered on time.	9	Officers work closely with successful contractor to ensure timely start on site.	6	Darren Bell
Project overspend	9	Project officer to monitor & control costs. Budget contains an element for contingencies.	6	Darren Bell

Risk Likelihood

6 = Very High
 5 = High
 4 = Significant
 3 = Low
 2 = Very Low
 1 = Almost impossible

Risk Impact

1 = Negligible
 2 = Marginal
 3 = Critical
 4 = Catastrophic

Multiply the likelihood by the impact and if the score is above 12 then mitigating action should be undertaken to reduce the risk. This action should be recorder and monitored in either a directorate or corporate risk register.

Cabinet



Date:	Wednesday, 10 April 2013
Venue:	Town Hall, St Annes
Cabinet members:	Councillor David Eaves (Leader of the Council) Councillor Susan Fazackerley (Deputy Leader) Councillors Karen Buckley, Dr Trevor Fiddler, Cheryl Little, Albert Pounder, Thomas Threlfall
Other Councillors:	Councillors Christine Akeroyd, Alan Clayton, Fabian Craig-Wilson, Leonard Davies, Charlie Duffy, Kevin Eastham, Kiran Mulholland, Linda Nulty
Officers:	Allan Oldfield, Tracy Morrison, Paul Walker, Lyndsey Lacey, Ross McKelvie
Members of the public:	1 member of the public was present

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and that any other interests should be declared as required by the Council's Code of Conduct. There were no declarations of interest.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Cabinet meetings held on 13 and 25 February 2013 as correct records for signature by the Chairman.

3. Urgent items

There were no urgent items.

4. Community Focus Scrutiny Committee - Recommendations

Councillor Kiran Mulholland (Chairman of the Community Focus Scrutiny Committee) presented the recommendations made by the Committee at its meeting held on 7 March 2013 (previously circulated).

The scrutiny committee recommended the following to Cabinet for approval:

1. Fylde Coast Bathing Waters - Proposed Joint Scrutiny Review

1. To present an updated report to the next meeting of the committee.

2. Blackpool Teaching Hospitals NHS Trust

1. To include a review on Blackpool Teaching Hospitals NHS Trust within its work plan.

3. Fylde Community Safety Partnership

1. To note the report and agree to an Annual Report being submitted to the Committee and where appropriate, a six monthly update from the responsible authorities/ partners.

4. Community Projects Fund Review

1. To note the report and proffer support for the new way of working.
2. To recommend to the Panel and Cabinet that the Director of Resources be given delegated authority to award the funding.
3. To support the promotion of this fund within the local community and seek input from elected members and parish/town councils on how this should be achieved.
4. To convey the committee's thanks and appreciation to Mrs Miller for her work over the years and their good wishes for a very happy and healthy retirement.

Councillor Cheryl Little offered her help and support on the proposed review of the Blackpool NHS Trust arrangements. In this regard, Councillor Karen Buckley asked if the Borough Council could add to the matter, particularly in view of the fact that the responsibility for such reviews normally rested with Lancashire County Council. Councillor Muholland suitably responded.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to approve the recommendations made by the Community Focus Scrutiny Committee held on 7 March 2013.

5. Policy Development Scrutiny Committee - Recommendations

Councillor Fabian Wilson (Chairman of the Policy Development Scrutiny Committee) presented the recommendations made by the Committee at its meetings held on 10 January, 28 February 2013 (previously circulated).

The scrutiny committee recommended the following to Cabinet for approval:

1. My HomeChoice Fylde Coast Allocations Policy Consultation and Fylde Coast Tenancy Strategy Consultation

1. To note the review of the allocation policy and to welcome the report of the consultation responses to a future meeting.
2. To recommend that the Council approves the draft Fylde Coast Tenancy Strategy.
3. To note the new power in the Localism Act 2011 that enables Local Authorities to discharge their homelessness duty using the private rented sector.

2. Asset Management Plan

1. To note progress made with the previously agreed action plan.

3. Task & Finish Group Review of Swimming Pools Performance

1. That Cabinet consider an extension to the existing SLA with the YMCA in respect of Kirkham swimming pool and recommend to Council an unfunded addition to the Council's Revenue Budget in respect of the subsidy in the sum of £35k per annum (plus an inflationary increase) from 2014/15 for a period of 5 years.
2. To recommend to Cabinet that the needs analysis of swimming capacity in the Borough provided by the Amateur Swimming Association should be used to inform development of the local plan.
3. That the comments from the schools and swimming clubs should be brought to the attention of the YMCA through Rural Splash in Kirkham and the quarterly performance meetings at St Anne's swimming pool.

4. Final Report of Task & Finish Group to Consider Consultation on Assets Let at Below Market Value

1. That the existing financial support from the Council to bowling clubs remains unchanged, rather than being reduced as was previously approved.
2. That the annual payment made by Fairhaven Lawn Tennis Club for court maintenance is reduced by 25% (a reduction of £1,446.25) in 2013, as it was in 2012, providing at least one grass court, or the equivalent spread across a number of courts, is made available for public use.
3. That the payment made by Lytham Heritage Group for occupation of a room at Lytham Library should remain unchanged at £500 per annum. The Heritage Group should be granted an annually renewable licence and the payment should be index linked.
4. That Lytham St Annes Civic Society should be granted an annually renewable licence for the room they occupy at Lytham Library. The annual licence fee will be £250, subject to an index linked annual review.
5. That the draft "Policy on letting assets at under value" should be recommended for adoption so that there will be policy guidelines when future applications are considered.

5. Medium Term Financial Strategy Update Including General Fund, Capital Programme and Treasury Management for 2012/13 to 2016/17

1. To note the report and provide to Cabinet the following feedback:

(a) That further information and a learning hour should be provided to all councillors on Business Rate Retention.

(NB - Other feedback was provided by the Portfolio Holder directly to the Council Budget meeting on 4 March 2013).

Councillor Karen Buckley asked whether the Regenda Group formed part of the MyHome Choice (Fylde Coast) body. She also went on to ask whether the Allocations Policy had received positive support from scrutiny. Councillor Craig-Wilson responded to these points.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to approve the recommendations made by the Policy Development Scrutiny Committee held on 10 January and 28 February 2013.

6. Replacement of 'Rapid Deployment' CCTV Cameras

Councillor Cheryl Little (Portfolio Holder for Social Wellbeing) was invited to present the report. In doing so, she made reference to the background to the proposal to replace the rapid deployment cameras with new cameras which she explained, had new technology and improved capabilities.

In brief, the report outlined the provision of funding previously approved by Council for the replacement cameras and the subsequent need to approve a fully-funded budget increase for this scheme in the sum of £36k. Councillor Little indicated that the additional funding was sought as the scheme had changed significantly from that originally envisaged. Councillor Little went on to explain how the funding would be met and the proposed method of procurement.

Councillor Albert Pounder enquired about progress with Service Level Agreement (breach of contract) with Blackpool Council. In response, Councillor Little advised that this matter was now being dealt with by the legal services section of the Council.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To approve a fully-funded budget increase to the CCTV camera replacement scheme that is within the approved Capital Programme for 2013/14 in the sum of £36k to be met from a further contribution from the LSP (Second Homes funding). The total cost of the scheme is now estimated to be £80k.
2. To authorise the commencement of works required to deliver the replacement rapid deployment CCTV cameras scheme as detailed in this report.

7. Allocation of Residual Funding - Fylde Local Strategic Partnership

Further to previous consideration by the Community Focus Scrutiny committee and the LSP Executive at its final meeting in March, Tracy Morrison (Director of Resources) presented an updated report on the allocation of residual funding following the cessation of the Local Strategic Partnership (LSP).

In summary, the LSP Executive had agreed that due to the success achieved by the Community Projects Fund over the years, a total of £50,000 would be allocated to the Council to allow the good work to continue for a further two years. This would allow for the continuation of funding to local community groups for 2013-14 and 2014-15 with an annual allocation of £25,000.

Ms Morrison advised that the Community Focus Scrutiny Committee had commended this course of action to Cabinet on the understanding that the fund will in future be administered by an officer of the Council and an annual report will be presented to the Community Focus Scrutiny Committee each May.

The report also dealt with further residual amounts of funding and their allocation based on the wishes of the Local Strategic Partnership at its final meeting. Further details with respect to this matter were set out in the report.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To endorse the Director of Resources being given delegated authority to award the funding allocated for Community Projects, following consultation with the Awarding Panel, as identified within the report, and to agree fully funded revenue budget increases of £25,000 for both 2013-14 and 2014-15 funded from the LSP.
2. To agree the extra allocation of residual funding from the LSP by way of a fully funded budget increase in the sum of £16,163 in 2013/14 to allow the awarding of smaller discretionary amounts of up to £500 under the Community Projects Fund and authority again be delegated to the Director of Resources, following consultation with the Awarding Panel.
3. To agree that the remainder of the unallocated funding within the Local Strategic Partnership be passed to the Community Safety Partnership, in accordance with the wishes of the LSP Executive at its last meeting, by way of a fully funded budget increase in the sum of an estimated £66,000 in 2013/14.
4. To agree fully funded revenue budget increase from the LSP of £25,000 in 2012/13, to contribute towards the Council's administration costs in supporting the LSP, and of £9,000 towards the administration costs incurred by the Council in managing the Community Projects Fund over the 2 year period 2013/14 to 2014/15.

8. Planning Improvement Plan

Councillor Trevor Fiddler (Portfolio Holder for Planning and Development) provided an overview of the findings and recommendations of the recent planning peer review.

The report itself advised that between the 15th and 17th August 2012, an LGA facilitated Planning Peer Review took place involving a team of 6 members. The team included both officer and member peers. The team was led by Councillor Neil Clarke, Leader of Rushcliffe Borough Council. It was further reported that interviews and workshops were held with a variety of stakeholders during the visit. Some of the team also attended a meeting of the Council's Development Management Committee on the 15th August.

The report outlined the background, scope and aims of the peer review. It also included an Executive Summary and 13 recommendations. The remainder of the document included the detailed findings which support the recommendations and the notes of the Action Planning Day held on 11 October.

A verbal report on the Community Focus Scrutiny Committee (4 April) debate and observations was also given by the Portfolio Holder.

Councillor Fiddler outlined the background to the commissioning of the report and went on to stress the importance in carefully considering the comments and recommendations that had been made by the Peer Review team.

Councillor Fiddler further stated some of the key elements contained within the report were not articulated and reflected within the 13 recommendations. He went on to say that whilst he was happy to discourage repetitious debate at DM meetings, as Portfolio Holder, he could not support a reduction in the size of the Development Management Committee. The Community Focus Committee endorsed this approach.

Councillor Fiddler also drew Cabinet's attention to the section of the report relating to the make-up of the Local Plan Steering Group which was factually incorrect.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to support the recommendations and the comments of the Community Focus Scrutiny Committee (as reported).

9. Exclusion of the Public

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

10. Accommodation Project - Disposal of Site at Derby Road, Wesham

Further to previous reports on the matter, Paul Walker (Director of Development Services) presented an updated report to Cabinet on the disposal of the Derby Road site at Wesham. In doing so, he made reference to an addendum to the report which was circulated after the publication of the agenda relating to further variations.

Councillor Buckley asked if the Accommodation Working Group had been updated on the matter and were in support of the current proposal. An assurance was given by the Leader that this was the case.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To agree to the disposal of the site at Derby Road, Wesham to the developer identified in the addendum to the report and on the basis of the terms detailed in the report
2. To agree that any variations to the agreed terms be reported back to Cabinet.
3. To ensure that Full Council are updated on the wider aspects of the accommodation project.

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