



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.
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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 categories of *evidential value*⁸, *historical value*⁹, *aesthetic value*¹⁰ and *communal value*¹¹.

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 detail*²⁰". In this regard Fylde Borough Council's head of regeneration and tourism states that "*The chimneys are of particular interest with fine brick "ribbing" detailing*²¹".
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 maintenance*²⁶". 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 decision*²⁷".
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 people⁴⁸".
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 102

⁹² 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 bed roomed and 16 two bed roomed 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 2011

¹⁰³ 3rd bullet point

¹⁰⁴ 8th bullet point

¹⁰⁵ §50 1st bullet point

¹⁰⁶ §50 2nd bullet point

¹⁰⁷ 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 bed roomed and two bed roomed 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.
David Beardmore MSc, MA, DipLD, DipLA, DipUD, DipBlgCons, FRTPI, CMLI, IHBC	Of Beardmore Associates
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	
Cllr. Susan Fazackerley	Victoria Hotel Community Association Committee Member 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 Durski	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