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**PLANNING APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT
ON THE NORTH SHORE CAR PARK , CLIFTON DRIVE NORTH , ST. ANNES
APPLICATION REF. NO. 05/ 0651 :**

**SUBMITTED CONCERNS ABOUT THE NATURE OF THE DEPOSITED PLANNING
APPLICATION AND IDENTIFICATION OF GROUNDS OF OBJECTION .**

INTRODUCTION

1]

Outline planning permission is sought by Fylde Borough Council under the scope of this application for residential development . Question 4 of the planning application forms , P1 , identifies that the development would comprise of 40 two and three storey residential buildings and 40 car parking spaces , as well ' maintaining vehicular access to the coastguards station . ' All detailed matters are identified under question 6 as being reserved for subsequent approval . The Council accordingly intend to deal with the application upon the basis of the red edged application site only which identifies the boundaries of development . That site area includes land forming the existing car park up to the boundaries with the relevant rear curtilages of the properties in Clifton Drive North and those on the Summerfields development as well as up to the existing retaining wall to the boundary with the foreshore and a wedge of land to include the existing vehicular access to the application site . The application site does not include land that they own beyond the car park boundary (i.e the former sand yacht club) and they do not indicate that land within an edged blue perimeter in accordance with normal practice .

Though means of access is not applied for under the scope of this application , the constraints of the application site means that access has to be obtained via the existing car park access from Clifton Drive North . Furthermore , as stated , question 4 identifies that access is sought to be retained to the coastguards station but this is not demonstrated . The only available access to the site is therefore a 5.5 metres wide metalled carriageway but with only one single 1.5 metre footway . There is no additional available land under public ownership to widen or improve this access or create an additional footway . Currently in providing vehicular access to a public car park there would be no specific requirement for footways , however in terms of the provision of residential development of 40 dwellings on the land and encouraging access to the use of more sustainable modes of transport to a housing development via bus routes along Clifton Drive North one would expect footways on both sides to accompany the existing carriageway as opposed to having a shared access situation , particularly directly at a junction with a constantly heavily trafficked, main classified road such as Clifton Drive North .

The identified application site area would leave no room whatsoever for even a modified smaller beach car park area , and as such in the outcome of this application being approved there would be no public car park from the one on North Promenade close to St. Annes Pier up until the one at Starr Gate in Blackpool Borough .

2]

There is no planning statement submitted with this application !

3]

Four other parallel applications are submitted on behalf of the Council , two at depots in St. David's Road North as well as one at the Town Hall and one at the Municipal Offices in Clifton Drive South . All are submitted in outline with all matters reserved for subsequent approval . There was no planning statement submitted with these applications either .

4]

The neighbour consultation letter identifies the development of affordable housing with no identified capacity , while the planning application forms identifies the number of units but no relation to affordable housing !

It is not unreasonable to draw the conclusion that this site and the St . David's Road North Highways and Maintenance Depot sites are the only Council owned portions of land available to accommodate a suitable level of affordable housing that their current planning policy dictates shall be provided , irrespective of how suitable the locations may be for development . Clearly , the substance of this objection primarily relates North Shore Car Park and it will be demonstrated that the proposal is at the very least premature in terms of the submitted information accompanying the application but also inappropriate for the reasons cited below . However , interpretation of currently applied Council policy in Supplementary Planning Guidance upon New Housing in the Borough would only require that the majority of the dwellings within the scheme are for affordable housing within the terms of the latest housing needs survey , and by this the inference is of the affordable units in the development being provided within the red edge denoting the application site area . An alternative identified option , but less preferred , is for the affordable housing to be provided off site but in this case the applicant is required to justify why the affordable element cannot be provided in juxtaposition to the general market housing on the same site .

5]

The car park is identified as being within the existing boundaries of St. Annes on the Proposals Map to the Adopted Fylde Borough Local Plan . It is not specifically allocated as an existing public car park on the plan or for any allocated future use . The site immediately adjoins sand dune areas within an area of open coastline (policy EP20) and a biological heritage site (policy EP17) and within very close proximity of both a specified SSSI area (EP16) and European Nature Conservation site (EP15) . The land immediately to the north of the application site is identified as being within the Green Belt (policy SP3) , within which there is a policy of very strict control of new built development .

THE NATURE OF THE PLANNING APPLICATION AND ITS DEFICIENCIES

6]

In this case the five outline applications submitted , which it is understood from the case officer are to be co-joined under one single application 05/653, seek a total of 171 new dwellings . This would require that a minimum of 86 dwellings are affordable units . The planning application forms to the five proposals do not advise upon the nature of the affordable element of the development and there is no planning statement to identify what the Council intend or to identify why the affordable elements cannot be provided on the Town Hall or Municipal Buildings site . The understanding from the neighbour notification procedure is that the affordable housing would be upon the depot sites in St. Davids Road North and on this site at North Shore Car Park . But matters of this nature involving Council owned land should not be taken lightly and not based upon ' understandings ' but total clarity . Upon this stance however there would appear to be 103 units of affordable housing proposed and 68 units of general market housing on the two prime sites in the centre of St. Annes , and as such a significant over-provision of affordable units purely within the scope of the requirements in this development package . It is accepted that the latest Housing Needs

Survey identifies a shortage of affordable housing provision in St. Annes and this may be driving the necessity of maximising the development potential at St. Andrews Road North and North Shore Car Park , but at what cost in terms of such a major tourism asset !

7]

As identified , the Council intend to try and establish the principle of the development applied for purely upon the basis of an application site red edge . No information has been submitted to substantiate how the Council intend to achieve the indicated number of dwellings and parking spaces and identify the impact of the siting of the development upon the adjacent dwellings in Clifton Drive North and Summerfields . As the development description includes 3 storey dwellings , their siting has to be carefully assessed in relation to their impact upon their existing neighbours in order to establish a principle of development . A greater interface distance between properties is required at proposed three storey level yet the Council are not able to demonstrate the acceptability or not of this , and that the cumulative substance of 40 dwellings can accordingly be achieved upon the development site . In formulating a layout however the Council should not rely on the substantial depth of the rear curtilages , particularly to the Clifton Drive North properties , in achieving a minimum interface distance. This should be demonstrated at this stage . Without this information being presented , the Council could grant themselves planning permission for the principle of the development without the true impact of the development being advanced for the consideration of adjacent residents . In accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 , the determining authority can require the submission of any other information , including any reserved matters , required to make a proper and considered determination of an application proposal . Clearly on this occasion , the Borough Council must invoke the provisions of this Article upon its own development . They should be no less scrupulous than if the development was on another site submitted by the private sector . There are further matters examined within the scope of this statement which similarly apply to the requirements under article 3 .

Whatever the feeling is about the Borough Council being the decision maker on its own applications , they should be seen to be acting entirely in the public interest and be totally accountable . In this regard , they are required to consult the Lancashire County Council upon this application and those accompanying it . An application of this nature should not be dealt with lightly , without sufficient information presented for all stages of the application process to be adequately taken into account . The determination of siting should accordingly be requested at this outline stage ! The requirement for this will be further substantiated in para. 9 .

8]

Means of vehicular access to the site should be requested for determination at this outline stage . The rationale for this being that by reason of the application site area no other access to the site can be achieved other than that wedge of land up to Clifton Drive North shown on the application site plan . Without this the application site would be land locked . Furthermore , a judgement has to be made as to whether there is an adequate means of access to the site to support the erection of 40 dwellings before the principle of the development is established . Furthermore , the planning application forms apply for the maintenance of vehicular access to the coastguards station . The application as submitted cannot however demonstrate this without knowing the positions of dwellings / curtilages. How can the Council not apply for ' means of access ' on this application at the outline determination stage ?

9]

The planning application forms and the neighbour consultation letter / site notice are at odds with each other and as such misinform third party consultees . Is the application for

affordable housing or not ? Where has the identification of affordable housing come from as the planning application does not so inform interested parties so , although it does apply for a precise number of dwellings which are not identified on the consultation letter ? This needs to be clarified and interested parties reconsulted with all requisite information giving them a further period of notification within which to make fuller responses to the Council .

10]

The planning application is not submitted by any form of planning statement to substantiate the nature of the development package applied for by the Council under application nos.05/649/650/651/652/&653 . Such justification for a cumulative development of this nature would clearly be expected from (and would normally be submitted by) the private sector . Without this how can the nature of the overall development be assessed by third parties or determined properly by elected members . As stated in para.7 , the nature of intended affordable housing needs to be clarified as does the mechanism for implementation and its intended longevity .

11]

The application site lies within a tidal flood plain , immediately adjacent to the foreshore north of St. Annes . As such , and as the application considers the principle of the development , the proposal ought to be accompanied by a flood risk assessment in accordance with the provisions of Planning Policy Guidance Note No. 25 upon Flood Risk . This is very topical and emotive subject which cannot be taken lightly by the Council . An assessment should be carried on behalf of the Council by a consultancy with expertise in this matter to gauge the impact of both flood risk and associated tidal run off implications . Appendix F to the PPG identifies the guidance upon the requirements for undertaking the assessment . The Borough Council previously required a flood risk assessment for the refurbishment of the existing Blackburn Home in Clifton Drive North , just a short distance north of this application site and similarly very adjacent to the foreshore . That was not even a new build development , unlike the current proposal , and as such the Council must be obliged to formally undertake an assessment for consideration by the Environment Agency . No further action should be taken upon the application until this information has been presented and third parties so notified to enable information to be assessed and views to be made to the Council upon it .

A flood risk assessment will require information upon the impact upon the proposed dwellings . This can only be presented in the knowledge of the position of the proposed dwellings and given their finished floor levels , and as such it is imperative that the siting of the said dwellings is applied for at the outline stage in order to inform the consultants undertaking the f.r.a. , the Environment Agency subsequently considering it and any third party consultants acting in assessing it . The lower case text in para. 7.115 to policy EP30 (Development within Floodplains) identifies the need for developers to evaluate flood risk and advise upon measures of flood protection and mitigation . It would appear essential to withdraw the current application and re-submit it at such a time when both the siting of the dwellings has been identified and flood risk assessment is available for consideration , together with a formal planning statement , are available for consideration . The current lack of information currently presented with the application prejudices third parties in their right to make full and complete representations to the Council about the application .

In terms of policy EP30 , the Council will not allow development that will ' *create an unacceptable risk of flooding within the development site , or elsewhere* ' . In absence of a flood risk assessment , the application is certainly premature and possibly unacceptable . The impact of global warming also has to be taken into account in this regard and is something for which the development plan cannot realistically prescribe against . Flood risk is definitely a strong material consideration in the determination of this application and one in

the absence of submitted information ought to warrant the refusal of planning permission . Upon the same consideration , policy 23 of the Adopted Joint Lancashire Structure Plan (JLSP) upon The Coastal Zone now seeks development to be located to avoid locations where the risk of flooding will be likely to occur and will be exacerbated by development . The lower case text in para. 6.4.18 identifies that the major concern in coastal areas is the risk of tidal flooding . These areas may be increasingly at risk due to the risk of global warming , states the text of this paragraph . Under policy 24 , Flood Risk , in areas of high flood risk there is a presumption that existing developed areas may be suitable for further residential development provided that the " minimum standard of flood defence can be maintained " . However the application proposals do not demonstrate this , and para. 12 identifies concerns over the current status and condition (and future condition) of the adjacent sand dunes as a means of natural sea defence . It is quite critical that the relevant lower case text refers to flood defence being " maintained " , while the substance of the policy text refers to " appropriate flood alleviation measures either existing or will be provided by the developer ." Examination of the environs to the application site identifies that at least half of the application site does not have sand dunes in front of it . There is the original wall to the former villa but nothing else . There is no natural sea defence and no engineering construction that constitutes anything like an adequate structural sea wall .

These are not matters which can be dealt with by planning condition(s) as in trying to establish a principle of development in this critical location it may be determined by the Environment Agency that the lack of a sea defence , natural or man made , is an overriding factor warranting a refusal of planning permission . All relevant information upon flood risk must be available for consideration by the decision maker .

The existence of older developments so close to the foreshore , such as those at Summerfields , ought no longer be considered to offer any sort of precedent that would condone the current application development . For the most part , Summerfields does in any event enjoy some dune protection . Circumstances with regard to the detriment to development of flood risk are now entirely different to those against which the Summerfields development would have been considered twenty years ago . Flood risk is currently massively topical and regarded by Central Government as a high priority measure of control against which a planning application will be considered and determined .

The loss of the large open area of the car park beyond the potential natural sea defence of the dunes and the accompanying wall retaining them would currently provide a containment area for tidal flood water that may then spill out onto Clifton Drive North through the existing site access . With the site developed with built development and curtilages , there will be no potential for flood water breaching the contained dunes to escape . One of the advantages of the flood defence proposals at the Blackburn Home was there were massive dunes in front of the existing building , while the other was that it was immediately adjacent to the road to the sand winning operation and as such a tidal discharge could feed directly through a gap in the dunes out into Clifton Drive North as opposed to impinging upon the dunes and the grounds of the refurbished development at the Blackburn Home and adjacent Thursby Home .

The stability of the dunes along this section of coastline and the availability of sufficient marram grass to bind and maintain the dunes as a natural sea defence has to queried . Gathered photographic evidence identifies significant areas of the adjacent main dunes without grasses and it is within and around these areas that the sand is constantly moving in the winds .

UNACCEPTABLE IMPACT OF THE PROPOSED DEVELOPMENT

12]

The proposed development of the application site and the closure of the car park would have an extremely negative impact upon how the Council presents itself as a seaside township encouraging tourists to the resort . Historically , St. Annes was the traditional genteel seaside town where its visitors came seeking the opposite seaside therapy from the brasher outgoing nature of its local neighbour to the north . Though the type of the holiday maker may have changed , and there is now greater reliance upon those enjoying short breaks and day trips , the character of what the resort has to offer has not . It still maintains its roots as a seaside town .

Considerable grant aided , capital resources have been expended upon improving and regenerating St. Annes town centre to the benefit of residents and visitors alike . The subsequent image of arguably the best section of beach in the township losing its car park is bizarre in the extreme .

Para. 6.58 in the Tourism and Recreation Chapter of the Plan , in the ' lower case text ' , identifies the importance of the undeveloped coastline in recreational provision for the Borough . It mentions the relevance of the dunes and the beach for relaxation and the pursuit of activities such as sand yachting , kite flying , windsurfing and sailing etc . The location of the North Shore car park is critical in terms of its location for an excellent stretch of unspoilt beach and coastline which is probably under-promoted by the Borough and remains an untapped resource . Indeed , its lack of use at certain times may be more of a case of under promotion of its existence by the Council as opposed to lack of interest from day trippers who are not entirely familiar with tourist facilities in the township .

The car park provides an excellent facility with ease of access to the foreshore for visitors wishing to take picnics , balls & bats , kites etc. Bearing in mind that there are catering or general beach facilities on or adjacent to the beach , it is essential that visitors have good and easy access to their vehicles . It is considered that the proposed development in displacing the beach car park would severely prejudice the identified tourist strategy for the undeveloped coastline in the adopted Borough Local Plan . The beach at North Shore is natural and unspoilt and warrants use by all sectors of the public . The lack of the car park will undoubtedly detract from its future use and its potential will not be met . The direct opposite would be realised in terms introducing visitor facilities in association with a retained car park area . One has to consider that the only reason for siting the public car park here in the first place was to encourage its use as a beach facility in a location where off street parking was at a premium .

On Sunday 10th July , the car park was virtually full . A car count identified a peak of 140 cars , ten short of a car park capacity of 150 , and as such there cannot be any doubting the maintained popularity of the adjacent section of foreshore and the role it has in attracting visitors and residents alike . In the light of global warming and its implications , warmer , longer summer periods are a distinct likelihood . The natural desire for beach use in good weather will be maintained and increased , and the Council needs to retain and improve existing facilities rather than dispense with them . One only has to recall the demise and abandonment of the former open air baths as a popular , parallel feature that so complimented the natural qualities of the seaside resort . The future of the North Shore car park can be deemed to be an equally important decision against which the Council will be judged . It is strongly contested that in the submission of this application and the prospective closure of the car park , the Council are not acting in the public interest . No case has been made to justify that the need for affordable housing in the township outweighs the Council's tourism function . Indeed no case has been made at all !

It is noted that a key decision of the Council was taken earlier this year in earmarking the

importance of this car park to the Council as one to be allocated for ' pay and display ' . The current proposal would be in direct conflict with that previous decision and in maintaining the future need of the car park .

Finally , this is not an issue where the Council can argue the loss of parking aids the topical of sustainability . To get the best use out of this section of foreshore , and maintain and attract tourists and day visitors , the Council needs to retain an adequately sized car park at this point along the coastline . The application proposal wholly defeats the objective of this .

13]

The loss of the Council's North Shore car park would result in much increased incidences of on street car parking on Clifton Drive North and North Promenade in a location where busy traffic conditions and difficult highway junctions are awkward to negotiate and where there is a strong presence of traffic regulation orders . The opposite effect to encouraging visitors will be realised as they experience and become aware of such difficulties and head for the adjacent Borough at South Shore in Blackpool instead .

The impact of the use of the existing access to Clifton Drive North to serve the proposed development also needs to be carefully examined and assessed in highway safety terms before any principle of residential development can be considered as being appropriate or not .

14]

The loss of the car park will also result in the loss of the controlled public access to the foreshore at this point along the undeveloped section of coastline north of St. Annes . The development of the site for individual properties , as opposed to that of a single curtilage development , will result in the potential for numerous and varied separate accesses into and through the dunes from individual curtilages backing directly onto the narrow dune corridor forming the application and car park boundary . There are clearly implications for direct access up onto those dunes and over into the main dunes impacting upon issues of nature conservation and dune stability . An audit of the dunes to this section of foreshore is clearly critical to any assessment of the application proposal and that English Nature must be consulted upon the application given the situation of the BHS and close by SSSI and European Nature site . Policy 23 of the JLSP refers to the open character of the undeveloped coastal zone and that nature conservation interest within it " will be conserved and enhanced " . The concerns expressed about uncontrolled access through the dunes appears to run counter to what is a directive in the Structure Plan policy about their conservation and enhancement . The identified Borough Local Plan policies in para. 5 , in respect of nature conservation , all need to be audited by the Council as applicant prior to the formal consideration of the application .

OTHER MATTERS

15]

Matters of any extant covenants upon the future use of the application site are being investigated .

16]

Council tourism strategies , as applicable , need to be examined and commented upon .

Nigel Robinson
20th July 2005 .

