



Meeting Agenda

**Special Council,
United Reformed Church,
St Georges Road, St Annes
Thursday 5 August 2010, 6:45pm**



SPECIAL COUNCIL MEETING

UNITED REFORMED CHURCH, ST ANNES

on

THURSDAY 5 AUGUST 2010 at 6:45pm

The Mayor – Councillor E.A. Oades
Deputy Mayor – Councillor L.J Nulty

Councillors

B.M. Ackers
B. Aitken
C. E. Akeroyd
F.R. Andrews
T. Ashton
K. Beckett
J. B. Bennett
K. Buckley
G. Caldwell
D.M. Chedd
M. Chew
E. Clarkson
P. Collins
J. L. Coombes
M.S. Cornah
F.C Wilson
J.R Davies
L. Davies
B. Douglas
R. K. Eastham
D. Eaves JP
S.M Fazackerley
Dr T.J Fiddler
P.A. Fieldhouse

Councillors

T. Ford JP
R.A Fulford-Brown
C. Halewood
P. Hardy
K. Harper
P.J Hayhurst
H. Henshaw, A.D.K (Malaysia)
K. Hopwood
K. Hyde
A. Jacques
C. Little
J.K Mulholland
J.C Owen
B. Pagett
A.G. Pounder
D.S Prestwich
S. P Renwick
L. Rigby
P Rigby
E.M Silverwood
J.R Singleton
R. S Small
H.A Speak
T. Threlfall

Philip Woodward – Chief Executive

Contact: Annie Womack (01253) 658423 Email: anniew@fylde.gov.uk



Our Vision

Fylde Borough Council will work with partners to provide and maintain a welcoming, inclusive place with flourishing communities.

Our Corporate Objectives

- To Promote the Enhancement of the Natural & Built Environment
 - To Promote Cohesive Communities
 - To Promote a Thriving Economy
- To meet the Expectations of our Customers

The Principles we will adopt in delivering our objectives are:

- To ensure our services provide value for money
- To work in partnership and develop joint working

PROCEDURAL ITEMS	
DECLARATIONS OF INTEREST - <i>Members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
1. ADOPTION OF INTERIM POSITION ON RESIDENTIAL DEVELOPMENTS	7

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC DEVELOPMENT SERVICES	COUNCIL	5th AUGUST 2010	2

ADOPTION OF INTERIM POSITION ON RESIDENTIAL DEVELOPMENTS

Public Item

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

Summary

This item seeks urgent agreement to an interim position in response to the revocation of the North West of England Plan, Regional Spatial Strategy to 2021.

Recommendations

That following revocation of the Regional Spatial Strategy (RSS) Members are asked to agree and endorse the approach recommended by the LDF Steering group until further more detailed guidance/policy is issued.

Reasons for recommendation

In order to respond to the revocation by the Secretary of State on the 6th July 2010

Alternative options considered and rejected

Members could do nothing with regard to determination of planning applications although this would leave existing policy open for interpretation and potential appeal.

Members could stick with the housing requirements as set out in the RSS with regard to Policy Development although this is not seen as a locally determined figure.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Portfolio Title: Planning

Councillor Name: Cllr Trevor Fiddler

Report

1. On the 6th July 2010 the Secretary of State for Communities and Local Government announced the revocation of Regional Spatial Strategies. The letter also contained some advice on how local authorities could proceed until more detailed national policy is produced.
2. The issue was the main item of discussion at the Local Development Framework Steering Group meeting on 14th July 2010 with particular regard to housing development. It was reported that until further guidance was issued, it would be necessary for this authority to adopt an Interim Position Statement that would enable it to continue to both determine planning applications and progress work on the Local Development Framework (LDF). A range of possible options for the progression of the Local Development Framework and the determination of planning applications including potential advantages and disadvantages associated with each option were set out in the report to the LDF Steering Group.
3. The minutes of the LDF Steering Group are attached for reference. The group discussed and debated the options put forward and agreed to recommend the following:

- To approve Option C for the determination of future planning applications. Applications that depart from the Interim Housing Policy (IHP) should be determined having regard to other material considerations. The IHP should be subject to an addendum stating that references to the RSS are no longer valid.

Option C: *Option B [Allow residential development solely of small previously developed sites within the settlement boundary as defined in the IHP] plus small greenfield within established settlement boundaries. i.e. allow appropriate development within gardens, playing fields, allotments and similar sites*

- That the Authority works to establish a housing supply based on Option 6 and that until this work is established, work should continue with the production of a Core Strategy on the basis of establishing a broad framework to direct future housing growth within the borough (options 4 and 6)

Option 4: *Continue to develop a core strategy looking at broad distributions of development without reference to specific numbers.*

Option 6: *Develop a housing need based solely on Fylde' needs*

4. Reference to the Regional Spatial Strategy in the LDF Steering group minute includes the need to amend criteria 3 of the Rural and Urban option. This currently refers to a 5 year supply which, in the absence of RSS guidance, cannot be determined until a local housing need is established.

5. Members are asked to agree and endorse the approach recommended by the LDF Steering Group as set out in paragraph 3 above, in the interim until further more detailed guidance/policy is issued.

Risk Assessment

There are some minor risks associated with the actions referred to in this report. Appropriate amendments have been made to the directorate operational risk register to accommodate these risks where necessary.

Report Author	Tel	Date	Doc ID
Paul Walker/Mark Evans	(01253) 658462	27th July 2010	

List of Background Papers		
Name of document	Date	Where available for inspection
Letter to Chief Planning Officers regarding revocation of Regional Spatial Strategies	6 th July 2010	http://www.communities.gov.uk/publications/planningandbuilding/letterregionalstrategies
Interim Housing Policy	July 2008	http://www.fylde.gov.uk/local-plan/local-development-framework/interim-housing-policy/

Attached documents

LDF Steering group minutes – 14th July 2010

IMPLICATIONS	
Finance	Financial contributions received by the Council will be ring fenced to ensure that they are used exclusively for the appropriate provision or improvement of community infrastructure.
Legal	The weight to be accorded to the Interim Housing Policy will be a matter for the decision maker.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	The Interim Housing Policy was the subject of Sustainability Appraisal prior to its first adoption in July 2008.
Health & Safety and Risk Management	None arising from the report.

LOCAL DEVELOPMENT FRAMEWORK STEERING GROUP

Notes of a meeting of the LDF Steering Group held on Wednesday, 14 July 2010 at the Town Hall, St Annes.

PRESENT

Members

Councillor Dr Trevor Fiddler - Portfolio Holder - Planning and Development
John Bennett- Chairman - Development Control Committee
Councillor Ben Aitken - Vice-Chairman - Development Control Committee
Councillor Albert Pounder - Portfolio Holder- Environmental Well-Being
Councillor Fabian Craig-Wilson - Chairman of the Policy Development Scrutiny Committee
Councillors Kevin Eastham and Linda Nulty

Officers

Phillip Woodward- Chief Executive
Paul Walker- Director of Strategic Development
Mark Evans- Assistant Director: Planning Services
Paul Drinnan – Head of Regeneration and Tourism
Julie Glaister- Planning Policy Manager
Mark Sims- Principal Planning Policy Officer
Fiona Riley – Planning Policy Officer
Mathew Park – Planning Policy Officer
Lyndsey Lacey - Senior Democratic Services Officer

Other Representatives

Mr Bernard Whittle - Chair - Local Strategic Partnership

BUSINESS

1. Apologies

Apologies were received from Councillors David Eaves and Heather Speak.

2. Minutes of the last meeting

IT WAS AGREED to approve the minutes of the last meeting of the Steering Group held on 21 April 2010.

In terms of matters arising from the minutes, Mr Evans indicated that the proposals relating to the evidence base and timetabling of the Core Strategy were now superseded by the revocation of the Regional Spatial Strategy.

3. Implications of the letter from the Secretary of State

Circulated with the agenda was a discussion paper relating to the proposed formulation of an interim position statement for Fylde Borough Council following the abolition of the Regional Spatial Strategies (RSS)

The discussion paper made reference to the Secretary of State for Communities and Local Government's letter (dated 27 May) confirming the Government's intention to abolish RSS. The letter confirmed that it is the intention of the Government to return decision making powers on housing supply, including the provision of gypsy and traveller sites, to local councils. The Secretary went on to state that the letter should be regarded as a material planning consideration in the determination of any current planning applications and appeals.

The discussion paper also made reference to the implications of the recent Queensway appeal decision.

Mr Evans further reported that subsequent to sending out the agenda, the Secretary of State had revoked the Regional Spatial Strategy (6 July) A copy of the Secretary of State's letter together with interim guidance for local authorities to follow until the "Localism Bill" and the new National Planning Framework are in place was circulated at the meeting.

Members of the group were advised that the guidance note should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions.

Mr Evans further reported that the Secretary of State had announced that he wanted to see houses built and had pledged direct and substantial benefits to councils who supported construction. Mr Evans indicated that there were no details of the nature or mechanisms for the delivery of these incentives but it was expected that they would be announced early in the autumn spending review.

Mr Evans stated that until further guidance was issued, it would be necessary for this authority to adopt an Interim Position Statement that would enable it to continue to both determine planning applications and progress work on the local development framework. A range of possible options for the progression of the Local Development Framework and the determination of planning applications including potential advantages and disadvantages associated with each option were set out in the report.

In brief, the options for the determination of planning applications were as follows:

Option A: Approve no further planning applications that result in a net increase in housing supply pending adoption of the core strategy. i.e. a return to the housing moratorium.

Option B: Allow residential development solely of small previously developed sites within the settlement boundary as defined in the IHP.

Option C: Option B plus small greenfield within established settlement boundaries. i.e. allow appropriate development within gardens, playing fields, allotments and similar sites.

Option D: As per option C plus accept greenfield sites that are small, attached to existing settlements, appropriate in scale to the adjacent settlement, non prejudicial to future policy in terms of supply or distribution of future housing sites.

The options relating to the progression of the Core Strategy were as follows:

Option 1: Carry out no further work on the Core Strategy until new government guidance is issued

Option 2: Continue LDF on basis of rolling forward existing RSS figures

Option 3: Develop local housing and employment figures at a strategic sub regional level in partnership with Lancashire County Council, Blackpool and Wyre.

Option 4: Continue to develop a core strategy looking at broad distributions of development without reference to specific numbers.

Option 5: Assess housing supply based on capacity to deliver

Option 6: Develop a housing need based solely on Fylde' needs

Following detailed discussion IT WAS AGREED:

1. To approve Option C for the determination of future planning applications. Applications that depart from the IHP should be determined having regard to other material considerations. The IHP should be subject to an addendum to the stating that references to the RSS are no longer valid.

2. That the Authority works to establish a housing supply based on Option 6 above and that until this work is established, work should continue with the production of a Core Strategy on the basis of establishing a broad framework to direct future housing growth within the borough (options 4 and 6)

3. To invite all members of the Development Control Committee to the next meeting of the LDF Group.

4. Visitor Accommodation Study

Fiona Riley (Planning Policy Officer) presented a detailed report on a Visitor Accommodation Study for the Fylde coast sub- region 2009.

Ms Riley explained that HLL Humberts Leisure had been commissioned by the Council to undertake the comprehensive study. The remit was to look into the quality, quantity and location of visitor accommodation with the Fylde coast sub- region comparing current demand levels and an appraisal of the future need for visitor accommodation under different scenarios.

Ms Riley indicated that the study would form part of the evidence base for the Core Strategy and would underpin future planning policy relating to the provision of visitor accommodation.

Details of the number of serviced accommodation, self-catering holiday providers, holiday parks and visitor numbers including various scenarios on visitor numbers were detailed in the report.

In conclusion, HLL suggested that the existing holiday accommodation policies within Fylde Borough Local Plan (As Altered, October 2005) appeared to be in balance with market need and flexible enough to accommodate future changes in demand.

Ms Riley stated that HLL recommended that Policy TREC1 Primary Holiday Areas, should be amended to prevent hotels being converted to holiday apartments within the primary holiday area. It was also suggested that Policy TREC6 Static Caravans and Chalets should be amended to allow for modest extension and increase in static numbers at existing holiday parks in order to improve the layout, landscaping, and to allow for higher quality lodge units. Also Policy TREC7 Touring Caravan and Camping Sites should be amended to provide some flexible control of the conversion/loss of touring pitches to statics in order to maintain adequate level of touring accommodation.

HLL also recommended that the policy on occupancy is amended to reflect the advice in the Good Practice Guide on Planning for Tourism to reduce seasonality and prevent residential use. The Guide recommends the use of a condition to ensure holiday use by requiring park owners to maintain an up- to- date register of guests' home addresses to be made available to the Local Planning Authority.

After full consideration it WAS AGREED:

1. To note the position.
2. To ask Scrutiny Management Board to consider accommodating a scrutiny review to look at the Visitor Accommodation Study with particular reference to the use of static caravans and tourism.

5. Update on the SHLAA

Julie Glaister (Planning Policy Manager) provided the group with SHLAA arrangements.

Ms Glaister explained that progression of the SHLAA had been delayed as a result of the revocation of the RSS. The consultation responses and calculations were now void.

Members of the group were advised that the revised piece of work was likely to be complete over the next few weeks.

IT WAS AGREED to note the position.

6. Next Meeting

IT WAS AGREED -That the date of the next meeting of the Group be determined by the Chairman in due course.

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