



MINUTES

Planning Committee

Date:	Wednesday, 18 January 2023
Venue:	Town Hall, St Annes Road West, St Annes, FY8 1LW
Committee Members Present:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman) Councillors Tim Armit, Jayne Nixon, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.
Other Councillors Present:	Councillor Frank Andrews (substitute)
Officers Present:	Mark Evans, Julie Glaister, Eddie Graves, Adam Sugden, Christine Wood
Other Attendees:	1 member of the public

1. Declarations of Interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members. No interests were declared on this occasion.

2. Confirmation of Minutes

RESOLVED: The Committee was advised that the minutes of Planning meeting held on Wednesday, 9 November 2022 had been approved at the meeting held on 7 December 2022.

3. Substitute Members

The following substitution was reported under Council procedure rule 24:

Councillor Frank Andrews substituted for Councillor Jayne Nixon

Decision Items

4. Draft Flooding, Water Management and Sustainable Drainage Systems (SuDS) Supplementary Planning Document

Julie Glaister, Planning Policy Manager introduced the report presenting the Draft Flooding, Water Management and Sustainable Urban Drainage Systems (SuDS) Supplementary Planning Document (SPD) which was attached to the report at Appendix 1, requesting the Committee's agreement, prior to further work and Sustainability Appraisal.

The Committee was advised that the SPD gave support to the Council in its implementation of relevant policies in the Local Plan by ensuring water management and drainage was considered at the very start of the development and planning process, by providing advice on how to manage and mitigate flood risk, and by providing detailed

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guidance on the implementation and maintenance of SuDS with the inclusion of a requirement to provide a SuDS pro-forma where appropriate. It also included guidance on measures to maintain and improve water quality. It was stressed to the Committee that the Draft SPD was guidance, not policy.

The results of the previous round of public consultation held between 9 June 2022 and 7 July 2022 and how these responses had been incorporated were outlined to the Committee and set out in the Summary of Representations, which was also attached to the report at Appendix 2.

The Committee was advised that Officers would continue to work on the draft SPD and Sustainability Appraisal would be carried out. The draft SPD would then be issued for consultation. The Committee would have a further opportunity to consider the SPD in the light of any comments received because of the consultation exercise and sustainability appraisal prior to final adoption.

Ms Glaister advised that since publication of the agenda for the meeting, the Department for Environment, Food and Rural Affairs (DEFRA) had on 10 January 2023 published a review of the implementation of Schedule 3 of the Flood and Water Management Act 2010 which stated that SuDS must be designed, constructed adopted and maintained to a national SuDS standard for the lifetime of a development. This would also be treated as a response to the consultation.

Mr Adam Sugden, Principal Engineer, also reported to the Committee that the Fylde SPD guidance would align with current LLFA guidance that been ratified the previous year which had provided developers with guidance and preference to have developers submit a pre-development application. The SPD would run alongside the current LLFA guidance until the regulations in schedule 3 are implemented which was anticipated in 2024. It would still be the responsibility of developers to provide the design to meet the criteria of the current non statutory standards for sustainable urban drainage systems. It would help to be able to better work in close partnership with the LLFA, Environment Agency and various other bodies to provide a concerted response of the design expectations for developments to take place with sustainable urban drainage systems.

Following presentation of the report, the Chairman invited questions. Clarification was sought around the purpose and validity of the SPD, expectations for developers, who would be responsible for design of SuDS and how the SPD related to the Environment Agency.

Following consideration of this matter, it was RESOLVED:

- 1. That the results of the consultation into the Draft Flooding, Water Management and Sustainable Urban Drainage Systems (SuDS) Supplementary Planning Document as set out in the Summary of Representations at Appendix 2 be noted; and**
- 2. That the Draft Flooding, Water Management and Sustainable Urban Drainage Systems (SuDS) Supplementary Planning Document (Appendix 1) be approved for further work and Sustainability Appraisal prior to being issued for public consultation.**
- 5. Draft Provision of Parking on New Developments Supplementary Planning Document**

The Chair invited Mr Eddie Graves (Principal Planning Officer) to present the report. Mr Graves presented The Draft Provision of Parking on New Developments Supplementary Planning Document (SPD) which was attached to the report at Appendix 1. The Committee was advised that the existing guidance was out of date and that the draft SPD followed on from the Scoping document which had been issued for consultation between 9 June and 7 July 2022 following consideration by this Committee. The results of the consultation were outlined to the Committee as set out in Appendix 2 which was also attached to the report.

The Committee was further advised that the Draft SPD proposed minimum parking standards for new development sites as set out in Table 2 of the document which were based on evidence of car ownership and relative accessibility of development sites. Areas of high, moderate, and low accessibility were set out on maps of the Borough, allowing some variation in the standards to be applied in different areas.

It was reported that the Draft SPD set out detailed requirements for the layout, spacing, design, landscaping, and siting of parking within development sites. The document also included guidance for electric vehicle charging provisions and advice on the documentation required to be submitted with planning applications. It was stressed to the Committee that the Draft SPD was guidance, not policy and reflected the Local Plan.

Members were advised that if the Committee agreed, the draft SPD would be subject to Sustainability Appraisal Screening, then published for consultation. A final version would be presented to Committee for consideration prior to adoption. Mr Graves advised Members of the Committee to contact him with any comments or queries with regards to parking matters considered in the draft SPD.

Following presentation of the report, The Chairman invited questions. Clarification was sought around the validity of the Draft SPD in which it was stressed that the guidance was not mandatory/absolute.

Following consideration of this matter, it was RESOLVED:

That the Draft Provision of Parking on New Developments Supplementary Planning Document as attached to the report at Appendix 1, together with the Statement of Consultation as attached to the report at Appendix 2 with the results of the Sustainability Appraisal Screening added, be issued for public consultation.

6. Section 106 Agreements – Proposed Revisions to Working Practice and Transfer of Funds to Lancashire County Council

Mr Mark Evans, Head of Planning, introduced the report advising that on 10 November 2022, the Audit and Standards Committee had considered a [progress report](#) prepared by the Council's internal auditors, MIAA, that included a review of the Council's Section 106 Agreement processes. The report had provided 8 recommendations and was able to provide Moderate Assurance.

The Committee was advised that the 8 recommendations would be addressed in line with the target dates as set out in the Audit report, but that this report sought authority to action a recommendation relating to Fylde Council's established practice for the collection of Section 106 contributions associated with the delivery of infrastructure that was the responsibility of Lancashire County Council and to transfer the funds currently held by Fylde Council to Lancashire County Council, subject to entering into an agreement to indemnify this Council against any claims from a developer that the funds had been spent for purposes outside those for which they were originally secured.

The Committee was advised that if the recommendations detailed in the report were agreed, the issue would be referred to a meeting of the Full Council for approval.

Following presentation of the report, The Chairman invited questions. Clarification was sought around the responsibilities of Fylde and LCC in relation to responsibilities for the collection of Section 106 funds and addressed by Mr Evans.

Following consideration of this matter, it was RESOLVED:

- 1. That, in future, all Section 106 contributions related to the delivery of community infrastructure that is solely the responsibility of Lancashire County Council will be secured through a covenant in the Section 106 agreement between the developer and the county planning authority; and**
- 2. That, subject to Lancashire County Council entering into a satisfactory agreement to indemnify Fylde Council against any claim relating to the spending of Section 106 funds for purposes other than those for which they have been secured or the spending of those funds beyond a repayment date set out in a Section 106 agreement, that Council be recommended to approve a revenue budget increase of £310,455.80, fully funded from Section 106 monies held by the Council, and to authorise the contributions towards the provision of additional primary and secondary school places currently held by Fylde Council in the sum of £310,455.80 be transferred to Lancashire County Council.**

7. Fully Funded Revenue Budget Increase – Education Contribution Relating to Section 106 Agreement for Development Land Moss Farm, Cropper Road, Westby

Mr Evans introduced the report which requested the transfer of Section 106 funds originally paid to Fylde Borough Council as a contribution towards the provision of additional primary school places in relation to planning application 12/0717, (Land to the rear of Moss Farm, Cropper Road) approved 16 May 2013.

Lancashire County Council, in their role as local Education authority, had requested that the money that has been paid to Fylde Council by the developer of the site now be paid to fund the provision of additional primary school places to serve the needs of the development in accordance with the terms of the agreement.

Following consideration of this matter, it was RESOLVED:

- 1. That the Finance and Democracy Committee is recommended to approve a fully funded revenue budget increase of £160,000 in 2022/23 to be met by Section 106 monies held by the Council towards the improvement of local primary school places (application reference 12/0717).**
- 2. Subject to the approval of the fully funded budget increase, to authorise the sum of £160,000 be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed Church of England Primary School in accordance with the terms of the agreement.**

8. Budget Setting – Fees and Charges 2023/24

The Committee received a report advising that each year, as part of the budget-setting process, the schedule of fees and charges for the coming year (for each of the services that the Council provides) was reviewed by budget-holders prior to that schedule being considered by the relevant Programme Committee and finally being approved at the March Budget Council meeting.

It was reported that each Programme Committee was required to recommend to the Council for approval a schedule of fees and charges for those activities within the remit of the Committee.

The report requested that the Committee consider the proposed schedule of fees and charges for those services within the remit of this Committee as detailed at Appendix A and attached to the report and provide a recommendation to Council in this regard.

The Committee was advised that a full schedule of proposed fees and charges for all Council services for 2023/24 was accessible at the link below:

<https://new.fylde.gov.uk/council/finance/draft-fees-charges-2023-24/>

Councillor Armit referred to the 50% and 30% increases and the potential detrimental effects on housing developers. Mr Evans advised that in relation to charges for pre-application discussions, Fylde Council charges were currently lower than neighbouring authority charges and that the proposed increase in charges of £1500 was in relation to large scale developments. Mr Evans also advised that there had not been an increase in charges for several years.

Following consideration of this matter, it was RESOLVED:

- 1. To recommend to Council a proposed schedule of fees and charges applicable for 2023/24; and**
- 2. To note that the final fees and charges for 2023/24 will be approved by the Budget Council in March 2023.**

Information Items

The following information items were received and noted by the Committee.

9. Budget Setting – Revenue Budget 2023/24 – First Draft

The information report advised that the first draft of the revenue budget for 2023/24 had been prepared. A link to the draft report was provided in the report.

Mr Evans advised that the provision of a first draft of the 2023/24 Revenue Budget to the Council's Programme Committees provided Members of each Programme Committee with the opportunity to review the draft revenue

budget for the services within the Committee's terms of reference and to provide any comments or feedback as appropriate to the Committee Lead Officer, Service Director, or budget holders.

The report advised that the first draft did not reflect any changes to fees and charges for 2023/24 and that these would be considered by Programme Committees during the January cycle of meetings. It also did not reflect any revenue growth items or the revenue implications of capital bids. At this stage the draft budget for 2023/24 did not include recharges in respect of support services and service management costs as the elements remained to be finalised. The report further advised that a budget-rightsizing exercise would be carried out in early in 2023 and that the current draft would be updated to reflect any changes arising from this exercise.

The Committee was advised that the final revenue budget for 2023/24 would include any subsequent decisions made and would be presented for approval to a meeting of the Full Council to be held on 2nd March 2023.

10. Capital Programme Monitoring Report 2021/22 – Position as at 30 November 2022

The information report provided an update on the approved Capital Programme of the Council as at 30 November 2022 and specifically for those schemes under the remit of the Committee. The report was based upon information extracted from the financial ledger systems of the Council for the period to 30 November 2022 and updates provided by budget holders. A link to the Capital Programme Monitoring report to 30 November 2022 was provided within the report.

The information provided details of progress on each project which enabled the Committee to consider and scrutinise the Capital Programme monitoring reports for those schemes under the remit of the Committee. A summary table setting out the financial position of projects that were the responsibility of the Planning Committee was included within the report. Mr Evans advised that delivery of some of the projects had been rescoped to reflect the inclusion of the St Annes Master Plan work.

A Committee member referred to page 249 of the report (viii) St Annes Masterplan – Levelling Up Fund Capital Bid Submission Round 2 - £14.6m "A Levelling Up Fund capital bid was submitted on 27 July 2022 for £14.6m and the outcome is expected in Autumn 2022" and enquired around the outcome.

The Committee was advised that there had been a delay in notification of the outcome of the bid. The original anticipated date had been October 2022. The anticipated notification of the outcome of the bid was now January 2023.

11. General Fund Revenue Budget Monitoring Report 2021/22 – Position as at 30 November 2022

The information report provided an update on the General Fund Revenue Budget of the Council as at 30 November 2022 and specifically for those areas under the remit of the Planning Committee. The report advised that the information provided was based on information extracted from the financial ledger system of the Council for the period to 30 September 2022 and feedback and commentary received from budget holders.

The information was provided to enable the Committee to consider and scrutinise periodic revenue budget monitoring reports for those areas under the remit of the Committee.

Mr Evans highlighted that planning applications fees were reduced for the year which reflected the national economy. Mr Evans also advised that some of the associated costs were not necessarily reflected in the information as only high levels issues were detailed. Monitoring would continue to take place via the Medium-Term Financial Strategy.

12. Planning Service Peer Challenge 2022 – Feedback Report

The information report reminded the Committee that on 8 June 2022, the Planning Committee had agreed the scope for a Planning Advisory Service (PAS) review of Fylde Council's Planning Service. The report advised that PAS had set out the process for a Peer Challenge in a proposal letter on 27 June 2022 and the on-site peer challenge had taken place from 5-7 October 2022. A copy of the Planning Service Peer Challenge Feedback Report January 2023 containing a summary of the findings of the peer challenge had been received and was attached to the report at appendix 1 for information.

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Mr Evans advised the Committee that there were several recommendations set out in the Feedback Report which would be presented to Committee in due course as part of an action plan to address the recommendations. Mr Evans further advised that the review had been very positive and that it had identified some areas that could be improved or carried out differently.

The Chairman suggested that a Sub Committee of the Planning Committee be established for the purpose of addressing the recommendations and delivering the action plan.

A Committee Member commented that the process of the review had been fair, balanced, and thorough, had recognised many areas of service delivery strength and also recognised areas for development and had been a useful exercise. Another Committee Member commented that he was pleased to see the recommendation to take proactive steps to improving relationships with Town and Parish Councils.

13. Infrastructure Funding Statement (IFS)

The information report reminded that the Government had introduced the requirement for Local Authorities to produce an Infrastructure Funding Statement (IFS) on an annual basis through the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations (2019).

The report advised that the Infrastructure Funding Statement had been produced and published on the Council's website covering the 2021/22 monitoring period. The IFS included information on Section 106 (s106) agreements, the Council's process relating to s106 contributions as well as the monitoring fees involved. The IFS also incorporated details of the s106 agreements signed, the s106 contributions received and the s106 contributions secured for future years during the monitoring periods. It also contained details on projects delivered in the Borough during the monitoring periods. The Committee was advised that IFS would be updated on an annual basis.

It was reported that the IFS had been submitted to the Department of Levelling Up, Housing and Communities and is published on the Council's website by 31 December each year. This would ensure up to date information on s106 contributions was available for the public and any other interested parties.

A Committee Member referred to the substantial sums received in terms of mitigating the impact of developments and reflected on the resulting improvements in local communities.

14. Five Year Housing Land Supply Statement

The information report reminded that the Council was required by the National Planning Policy Framework to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing land against the housing requirement set out in adopted strategic policies.

A copy of the Council's statement for 2022 was provided via a link in the report. The Committee was advised that the statement concluded that the Council had 6.04 years' supply of deliverable housing land. The Committee was advised that this would be a material consideration in the determination of planning applications by the Committee. The process reaching the calculation of 6.04 years was outlined in the report and to the Committee.

15. Empty Homes Position Statement and Fylde Empty Homes Strategy

The information report advised that on 15 November 2022, The Environment, Health, and Housing Committee had resolved to note the findings of the Empty Homes Position Statement and adopt an Empty Homes Strategy. The relevant report and its associated appendices were provided to the Committee via a weblink to the Council's Website.

The Committee was advised that the strategy proposed an approach to targeting empty units that had been empty for two years or more and to work with registered providers to bring the units into the affordable housing stock within the Borough.

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The Committee was further advised that managing and bringing empty homes back into active use formed a small, but important, strand of the housing delivery strategy and so could contribute to fulfilling the housing need identified in the Development Plan. The Fylde Local Plan to 2032 (incorporating partial review) included a commitment to identify and bring back into use empty housing and buildings in line with a Local Housing and Empty Homes Strategy. The report had been provided to ensure the Planning Committee was aware of the adoption of the important strategy which also appeared as a key action in the Corporate Plan 2020-24.

16. Consultation on Proposed Reforms to National Planning Policy and Approach to National Development Management Policies

The information report advised that on 22 December 2022, the Department for Levelling-up, Housing and Communities had issued a consultation seeking views on their proposed approach to updating the National Planning Policy Framework (NPPF), including the approach to preparing National Development Management Policies and how policy might be developed to support the levelling up agenda.

The full documentation issued for consultation, including a ‘tracked changes’ version of the NPPF and the reasoning behind the proposed changes, was provided via a link in the report. The key changes, which appeared to be focused on the delivery of new homes, were outlined within the report.

The Committee was advised that the consultation had also set out the envisaged role for National Development Management Policies (NDMPs), which were intended to save plan-makers from having to repeat nationally important policies in their own plans, allowing the quicker production of local plans which could focus on locally relevant policies. The Committee was advised that a further consultation in the detail of NDMPs would be issued later in the year.

Mr Evans advised that as Head of Planning he would draft a response to the consultation in line with delegated authority included in the Council’s constitution ahead of the consultation closing on 2 March 2023.

17. Town Centre Working Group Update

The information report reminded that on 11 March 2020, Planning Committee had resolved to create a Town Centres Working Group and that the purpose of the group was to be an advisory working group to the Planning Committee in respect of town centre development, to enable research and discussion on town centre strategy and management issues and to coordinate, support and develop initiatives to reinvigorate and strengthen the three town centres of Fylde. The specific objectives of the group were outlined within the report.

The Committee was advised that with the onset of the Coronavirus pandemic, the working group had immediately been tasked with considering several reactive interventions to assist in the safe reopening of the high streets and preservation of the town centre businesses.

The Committee was further advised that in the post-pandemic phase, the working group and sub-groups had been able to consider and provide their collective feedback on several longer-term projects that would benefit the three town centres and assist in maintaining and improving their economic prosperity.

Updates in relation to Kirkham, St Annes and Lytham were outlined within the report.

It was reported that the overarching Town Centre Working Group had naturally evolved into separate sub-groups focusing on each individual town centre and had effectively superseded the overarching working group. The terms of reference for the working group(s) were currently being revised in conjunction with the Chair of the Town Centre Working Groups and would be presented for consideration by the Planning Committee to coincide with the new cycle of Committees in 2023/2024. The revised terms of reference would reflect that the working group(s) had now returned to focus on the work they had originally been created to undertake, rather than the reactive work undertaken during the pandemic.

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The Committee was advised that the minutes of all sub-group meetings held in 2022 were available on request as background information.

Councillor Redcliffe referred to the importance of the Town Centre Working Group updates to the Planning Committee and expressed thanks to all Members of the Town Centre Working Group for the work completed. Councillor Redcliffe also advised of the opportunity for Members of the Working Group to consult with him with regard to the revised terms of reference.

Councillor Redcliffe also referred to the Peer Review as detailed at item 12, which had acknowledged the work and contribution of the Town Centre Working Group.

18. Mid-Year Performance 2022/23

The information report provided details of the key performance outcomes for the first half of the financial year 2022/23 against the targets set for the year. Commentary was provided to explain why progress had exceeded targets with details of how this would be maintained and where performance was below target, details of corrective action. Attached to the report at appendix 1 were details of Performance Measures mid-year (1 April -30 September 2022).

RESOLVED – That the Planning Committee notes the above information reports.

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