



Meeting Agenda

**Planning Policy Scrutiny Committee
Town Hall, St Annes
9 October 2008, 19:00pm**

The main doors to the Town Hall will be open to the public at 6:40pm

The maximum capacity for this meeting room is 60 persons –
once this limit is reached no other person can be admitted.

PLANNING POLICY SCRUTINY COMMITTEE

MEMBERSHIP

CHAIRMAN – Councillor Kevin Eastham
VICE-CHAIRMAN – Councillor Ben Aitken

Councillors

William Thompson	George Caldwell
Michael Cornah	VACANCY
John Bennett	Maxine Chew
Lyndsay Greening	

Contact: Lyndsey Lacey, St. Annes (01253) 658504,
Email: lyndseyl@fylde.gov.uk



Our Vision

To establish Fylde Borough Council as a high performing local authority

Our Corporate Objectives

To improve the economic, social and environmental well-being of our communities through:

- The promotion and enhancement the natural and built environment
- Increasing the availability and access to good quality housing for all
- Maintaining healthy and safe communities and reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects

We will achieve this by:

Focusing on customer requirements
Clear community and organisational leadership
Delivering high quality, cost-effective services
Partnership working



A G E N D A

PART I - MATTERS DELEGATED

PUBLIC PLATFORM

*To hear representations from members of the public in accordance
with Committee procedure rules*

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Planning Policy meeting held on 31 July 2008 attached at the end of the agenda.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
4. PROLIFERATION OF ILLEGAL SIGNAGE	7 – 11
5. AFFORDABLE HOUSING GUIDANCE NOTE	12 – 21
6. LOCAL DEVELOPMENT SCHEME	22 – 24
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10. BLACKPOOL COUNCIL – CORE STRATEGY ISSUES AND OPTIONS	41 – 46
11. RESIDENTIAL USE OF HOLIDAY CARAVANS AND CHALETs	47 – 53

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
CORPORATE RESOURCES	PLANNING POLICY SCRUTINY COMMITTEE	9 TH OCTOBER 2008	4

PROLIFERATION OF ILLEGAL SIGNAGE

Public Item

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

Summary

This is a holding report.

Recommendation

1. To consider and comment on the introductory report.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Planning and Development: Councillor Trevor Fiddler

Report

The Scrutiny Management Board agreed to review the proliferation of illegal/commercial signage in the borough following a request for scrutiny made by Councillor Harper on behalf on one of her constituents. The scrutiny request form is attached at Appendix A for reference.

Andrew Shore, Technical Services Manager will provide an introduction to the main issues surrounding illegal signage at the committee.

IMPLICATIONS	
Finance	None arising directly from this report

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

Report Author	Tel	Date	Doc ID
Carolyn Whewell	01253 658563	1 st October 2008	

List of Background Papers		
Name of document	Date	Where available for inspection
Document name		Council office or website address

Attachments

Appendix A – Scrutiny Request Form – Illegal Signage

**Request Form for Item Inclusion
in the Scrutiny Committee Work Plans**

Submitted by: *(Please give name and state whether - Fylde Borough Councillor / Parish Councillor / Member of the public / Officer)*

Councillor K. Harper on behalf of Mr. K. Darley of Lytham (Member of the Public)

1. Define the Issue

Proliferation of illegal/commercial signage in the borough

2. How does the issue meet the set criteria as detailed below?

- Poor performing service (including external agencies)
- Issue of public concern
- Where there has been a budget overspend/high cost area
- Contribution to Corporate objectives
- Where scrutiny can make a difference and generate tangible outcomes
- Government legislation
- Audit Commission concern
- Contribution to the Community Plan
- Issue has a wide impact
- Issue concerns a large proportion of councillors

Please list which criteria this review would meet based on the above list in the box below (the list is shown in relative order of importance and the more criteria applicable, the more likely a review)

(Try to provide evidence which supports the criteria, the more details given will aid the Scrutiny Management Board in their selection)

Issue of public concern – this is an issue of public concern, the overall effect causing distraction to drivers, blocking pavements and creating general untidiness.

Contribution to corporate objectives – this item contributes to the first corporate objective - “to conserve, protect and enhance the quality of the Fylde natural and built environment”.

Where scrutiny can make a difference and generate tangible outcomes – this issue has been the subject of an in depth scrutiny review by one other Council (Renfrewshire) and generated several effective recommendations.

Contribute to community plan – contributes to the objective “protect and enhance the environment”

Government legislation – The investigation would require further research into government legislation and the council’s obligations.

Issue has a wide impact – this is a borough wide problem and is not just confined to town centres etc.

Issue concerns a large number of Councillors – other councillors have been contacted and all agree that the issue needs addressing.

3. What outcomes do you see occurring from the process?

Improving town and countryside for residents and visitors alike.

To improve the image of Fylde and show Fylde Borough to be a caring Council.

4. Is the issue a light touch review or is the issue likely to require more than one visit to a committee / more intense input?

This is likely to require more than a light touch review. I would suggest a task and finish group.

5. Has the issue time limits the Management Board should be aware of?

There are none, but members of the public will need to be kept informed.

Comments

Andrew Shore, Technical Services Manager commented:

There may be some merit in looking at this as it is a recurring issue that many members of the public often enquire about. No doubt Councillors get the same enquiries too.

It would be useful to put some information/guidance together through a scrutiny working group on roles and responsibilities as it is a cross cutting issue – Streetscene, Consumer Wellbeing and Protection and Planning. I'm not clear myself on who does what and the enforcement powers we have. This will also require input from LCC as the highway network manager.

On completion of a review it would be useful to publish any completed scrutiny reports and subsequent guidance on internet and provide briefing to Customer Service Team on findings.

Not aware of any work on this currently being done elsewhere but I will ask amongst the District Engineers Group in Lancashire for some feedback.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTORATE OF COMMUNITY SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	OCT 2008	5

AFFORDABLE HOUSING GUIDANCE NOTE

Public Item

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

Summary

The council has recently adopted the Interim Housing Policy. Its purpose is to provide a framework for the consideration of planning applications for new residential development. It will provide for the provision of affordable housing to be included as part of the development proposals.

The proposed affordable housing guidance note, as attached at the appendix, is to offer guidance to developers, landowners and others on the implications of the Interim Housing Policy. It will, in particular, give guidance on the financial impact of the requirement to provide affordable housing and of the methods of delivery of the dwellings.

Recommendation

1. That the affordable housing guidance note be adopted for the purpose of advising landowners, developers and others on the implications of the affordable housing requirements as contained in the council's Interim Housing Policy.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:
Portfolio Title: Community and Social Wellbeing
Councillor Patricia Fieldhouse

Report

1. The council has now adopted an interim housing policy. The purpose of the Interim Housing Policy is to provide a policy framework for the consideration of planning

applications for residential developments in defined parts of the Fylde Borough Council area. It has been prepared to be consistent with the emerging Regional Spatial Strategy and must be read together with other appropriate planning policies.

2. One of the prime objectives of the Interim Housing Policy is to maximise the provision of affordable dwellings to be provided in the interim period to meet identified needs. It provides separate policy requirements for the urban and rural parts of the borough and in both cases states that the presumption will be that any provision will be provided on the development site itself.
3. The purpose of this affordable housing guidance note, which should be read alongside the Interim Housing Policy, is to set out the impact of the requirement for affordable housing on developers, landowners and others. It offers clear advice on the types of housing to be provided and the methods by which it will be delivered. It will enable clear financial assessments to be made whenever a proposed development is to be considered.
4. The guidance note indicates the processes by which affordable housing will be required and retained into the future. It also considers the limited circumstances in which alternative methods to on site provision may be considered.
5. The affordable housing guidance note also offers strong guidance to developers and others to contact the council at an early stage in their proposals in order that the impact of the affordable housing requirements can be considered fully.
6. In cases where a developer considers that the full amount of affordable housing cannot be provided for reasons of viability the guidance note details an 'open book' approach to consider the case. It gives guidance of the detail of information that the council will require to be disclosed in order that a full viability assessment can be carried out.
7. The affordable housing guidance note has been prepared by the housing team, having regard to good practice elsewhere. It is not introducing new policy but is offering guidance on the implementation of existing adopted policy. If adopted it should be circulated to interested parties for information.

IMPLICATIONS	
Finance	The Council does not currently have an affordable housing officer or existing budget provision to fund an affordable housing officer post. It is anticipated that s106 contributions may be utilised towards funding this post. Any approval will be sought inline with new financial procedure rules.
Legal	The requirements of the Interim Housing Policy will be secured by way of legal agreements. There will be an impact on the capacity of the legal services team.
Community Safety	None from this report
Human Rights and Equalities	None from this report
Sustainability	None from this report

Health & Safety and Risk Management	None from this report
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Report Author	Tel	Date	Doc ID
John Cottam	01253 658690	Sep 08	

List of Background Papers		
Name of document	Date	Where available for inspection
Interim Housing Policy	July 08	Town Hall local plans team

Attached documents

1. Appendix 1 Affordable Housing guidance note.

Affordable Housing Guidance Note

Introduction

Fylde Borough Council has significantly higher housing costs than the average for the North West Region and is second only to the Ribble Valley area in average house prices in Lancashire. The high housing costs have a significant impact on the ability of many parts of the community to access suitable housing at affordable costs.

The Fylde Borough Council corporate plan has five corporate objectives, one of which is 'To increase the availability and access to good quality housing for all'.

The adopted Fylde Borough Council Housing Strategy confirms that 'providing additional affordable housing is the number one housing priority in Fylde'

Background

Affordable housing is defined in Planning Policy Statement 3 (2006) as; 'Affordable housing includes social rented and intermediate housing provided to specified eligible households whose needs are not met by the market. Affordable housing should

- Meet the needs of eligible households including availability at a cost low enough for them to afford determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or if these restrictions are lifted for the subsidy to be recycled for alternative affordable housing provision.'

Approximately 7% of the housing stock in Fylde is affordable and is generally provided by Registered Social Landlords (RSL). The average provision of affordable housing across the region is approximately 19% of the housing stock. When coupled with the significantly higher than average housing costs in Fylde the significant lack of affordable housing stock would suggest an acute position in relation to the shortage of such housing.

During 2002 the council commissioned Fordham Research to carry out a detailed housing needs survey across the borough. The report was presented to the council in 2004 and confirmed that there was a need for an additional 420 affordable homes per year for the next 5 years. The survey also confirmed that the vast majority (97%) of the need should be met by the provision of affordable rented accommodation.

In 2007 the council commissioned Fordham Research to carry out an update of the previous housing needs survey. The update was completed in early 2008 and the report accepted by the Council during the summer of 2008. This report confirmed that the position relating to affordable housing needs had become more acute and that now an additional 568 affordable homes would be required each year. The report considered the

type of affordable accommodation needed and concluded that 97% should be available as affordable rented housing.

In 2007 the three Fylde Coast local authorities of Blackpool, Wyre and Fylde commissioned a Fylde Coast Strategic Housing Market Assessment to be carried out by DTZ consultants. The final report was completed in early 2008 and adopted by the Council during the summer of 2008. The report included an assessment of the future need for affordable housing. It concluded that an additional 600 units of affordable rented accommodation would be required each year in Fylde Borough council.

The surveys referred to above were carried out independently of each other and used different sources of data. Both were carried out following the latest and most appropriate government guidance. It is of interest to note that although independent of each other the conclusions on affordable housing need of both surveys are very closely aligned.

The Council considers that the surveys referred to above provide a robust evidence base to demonstrate the need for the provision of additional affordable housing in the borough.

In July 2008 the council adopted an Interim Housing Policy. The interim Housing policy became needed due to the revision of the Regional Spatial Strategy (RSS). An outcome of the revised RSS is the requirement to provide at least 306 new dwellings each year compared with 155 in the existing Joint Lancashire Structure plan. The current restrictive policy framework will therefore relax and the policy HL1 of the Fylde Borough Council Local Plan will be of less relevance. An interim housing policy is therefore required until such time as the preparation of the future Core Strategy is carried out.

The interim housing policy indicates the circumstances in which housing development may take place and makes specific reference to the provision of affordable housing in such developments. It should also be noted that similar requirements in relation to affordable housing provision will apply to developments not covered by the interim housing policy should the council be minded to grant planning permission.

The purpose of this affordable housing guidance note is to provide further information to developers and others on how the council will require the obligations of the interim housing policy to be met. It should therefore be read in close conjunction with the interim housing policy and any other relevant planning policies.

Developers and landowners should be aware that the affordable housing requirements of the interim housing policy will have a financial impact on any proposed residential development. They should be aware of and account for the financial impact when considering the sale or purchase of a site or the sale or purchase of an option on a site.

Type and Tenure of Affordable Housing

The needs information referred to earlier is very clear in that the majority of the need in the Fylde Borough council area is for affordable rented dwellings.

The interim housing policy is also clear that ‘the priority will nearly always be to provide social rented housing’ and that ‘an element of intermediate affordable housing may be appropriate subject to it being provided at genuinely affordable rents and prices.’ The updated housing needs survey referred to earlier suggests that there is little evidence to show that intermediate housing at a usefully affordable level is deliverable in Fylde. Although there may therefore be a limited role for intermediate housing the overriding priority will be for the provision of affordable rented housing because of its acute shortage relative to need.

For the sake of clarity Social Rented Housing is rented housing provided by (in FBC) registered social landlords (RSL) for which guideline target rents are set nationally. It may be possible to include rented housing provided by other persons on the same rental terms as above and as agreed with the council.

Intermediate affordable housing is housing at prices and rents above those of social rents but below market rents and prices and meet the criteria for affordable housing set out earlier. Intermediate housing could therefore include shared equity, shared ownership and sub market rented types of housing.

When considering affordable housing it must be made clear that low cost market housing as discussed in the interim housing policy does not qualify as affordable housing.

It is expected therefore that in the vast majority of cases the affordable housing to be provided will be social rented housing.

When assessing the type and sizes of affordable housing the information in the table below suggests that the majority of the need is for housing containing at least two bedrooms. The need compared to supply is most acute for the larger housing with four or more bedrooms. It would be expected therefore that the provision will be for 2+ bedroomed housing to meet the family needs of the community.

Dwelling size	Intermediate housing	Social rented	Total
1 Bedroom	0	240	240
2 bedroom	0	160	160
3 Bedroom	15	67	82
4 bedroom	25	61	86
Total	40	528	568

Table of net annual need for different types of affordable housing.
Source: Fylde housing needs survey update 2007.

The affordable housing should also reflect the dwelling types and sizes of the development as a whole. The affordable housing provided should also take account of the local needs and requirements for reasonable space standards. The affordable housing should not be separated on one part of the development but should be spread throughout the development and the external treatments should be indistinguishable from the market housing. In order to assist with the efficient future management of the affordable housing it may be possible to allow for some grouping of the housing whilst still maintaining proper integration into the development as a whole.

The affordable dwellings provided will need to meet the Housing Corporation scheme design and quality standards as applicable from time to time.

Delivery of affordable housing

Before making a planning application for a proposed development, applicants are advised to make early contact with the affordable housing officer at the council to discuss the affordable housing requirements applicable to the proposal.

Current government policy is that there is an expectation that the subsidy required to provide affordable housing will be provided in the main through the planning process. It is inevitable therefore that there will be a financial implication to developers. In order that the financial implication can be understood at the earliest point the council has considered the method by which the value of the affordable housing to be provided can be calculated.

As mentioned earlier the council has considered that the target rent regime should be adopted to provide rent levels that are affordable to those in housing need. It is then considered reasonable to calculate the capital borrowing that can be supported by a particular rent level to ascertain the value of an affordable dwelling to a housing provider. This calculated capital value will represent the transfer value of a particular dwelling when transferred from the developer to the housing provider. The table below provides current indicative rent levels and transfer values for various types of properties. The values will be reviewed from time to time take account of rent levels and interest rates.

Type	Target rent	Transfer value
1 bed flat	£65.24	£39,000
2 bed flat	£74.48	£47,000
2 bed house	£78.16	£51,000
3 bed house	£87.40	£58,000
4 bed house	£96.18	£66,000

In circumstances in which an element of intermediate affordable housing may be acceptable the transfer value would be subject to a separate calculation. As a guide, a shared ownership unit may have a transfer value of approximately 60% of the open market value. Further detailed guidance should be sought from the council's affordable housing officer in these cases.

The council's preferred mechanism for the delivery of the required affordable housing is by way of transfer of the completed units to a nominated registered social landlord (RSL). The RSL will then manage the properties in accordance with the regulatory requirements of the housing corporation. The council has established a local housing partnership with a number of RSL and has formed good working relationships with these partners. The partnership is committed to delivery of the council's strategic housing objectives and developers are therefore encouraged to deliver their affordable housing obligations through this partnership. Early contact with the council's affordable housing officer is encouraged to discuss these delivery arrangements.

It is recognised that many new developments have service charges attached to them. The council is concerned about the impact that service charges may have on the true affordability of housing provided. The council will consider the level of service charges in the context of the rents being charged and will seek to minimise the charge to that which is compatible with maintaining affordability.

The affordable housing provided will be subject to future nomination agreements between the housing provider and the council. The nomination agreement will govern how the housing will be allocated and the council's involvement will ensure the retention of such housing as affordable housing into the future.

Viability of delivery of affordable housing

The interim housing policy expects, in the case of developments in excess of 14 dwellings, the delivery of 30% of the dwellings as affordable housing. This will be the case 'unless the developer can demonstrate by means of verifiable evidence that the development would not be viable with that percentage'.

The council will expect an 'open book' type of approach by the developer when considering evidence supplied about viability. The following gives an indication of the type of information that will be required from the developer in order for an assessment of viability to be carried out.

- The anticipated sales value of the market housing.
- The anticipated value of the 30% affordable housing provision based on the table above.
- The marketing and sales costs associated with the sales of the dwellings.
- Site acquisition costs including legal costs, stamp duty, fees etc.
- The build costs
- Preliminaries indicating what are included.
- Fees e.g. architect, quantity surveyor etc

- Planning and building control costs
- Site infrastructure to include site roadways, landscaping, boundary treatment etc
- Costs of finance including interest rate and term
- Other s106 costs such as external highways works, public open space, community benefits or infrastructure etc.
- Developers profit margin.
- Contingencies

This list is not exhaustive but indicates the type of information that will be required. The council will consider, as part of the viability assessment, the accuracy and appropriateness of the information provided. Other information may be required for the council to be able to carry out a viability assessment. Any information provided to the council in order for it to carry out a viability assessment will be kept confidential to the council and its advisers. The council may engage specialist external advisers who will also be subject to this confidentiality requirement. The information provided will not be placed on any public file nor will it be made available to any third party. If the viability exercise confirms that the development will not be able to achieve a 30% affordable housing provision the council will seek to achieve the maximum provision that is compatible with a reasonable level of developer profit.

Alternative methods of provision

The interim housing policy is clear in that the provision of affordable housing will in all but exceptional cases be by way of provision on the site of the development proposal. Alternative methods of fulfilling the requirement to provide affordable housing could include off site provision or the payment of a sum in lieu of provision (commuted sum). In all cases the principle requiring at least the same level of developer contribution as would have been required to provide the on site provision will be applied.

If the circumstances of a development suggest that an off site provision may be appropriate the developer should be aware that the overall affordable housing provision will reflect the overall requirement based on the development capacity of both the prime site and the secondary site. Such circumstances could include

- When a development is located in an area of already high densities of social rented housing
- When a development will not provide the types of units needed
- When a development is of a particular high value type of property where better value and more affordable housing can be provided in a different location.

If it is proposed to offer a commuted sum the developer should be aware that it should be sufficient to provide the same mix of unit types and sizes as would have been required on the proposal site. The sum shall be sufficient to provide for all costs such as land acquisition, design, construction, marketing, fees etc of the provision.

If a developer is minded to consider an alternative to on site provision, early contact should be made with the council's affordable housing officer to discuss the merits of the proposal.

Securing the affordable housing provision

In cases where the provision of affordable housing will be required it will normally be secured by way of an agreement under s106 of the Town and Country Planning act 1990. The council would strongly recommend entering into negotiations with the planning and housing officers at the earliest possible stage.

The council will wish to ensure that the affordable housing is delivered at an appropriate time within the development timetable. The s 106 agreement will therefore include a timescale for the completion of the affordable housing which will be linked to the proposed phasing of the overall development.

Similar provisions will be applicable in respect of off site provision or the payment of commuted sums. In both cases the s106 agreement will provide for the timely discharge of the obligations commensurate with the progress of the development. In respect of commuted sums these will be calculated at the time of application. The s106 agreement will include the ability to index link the commuted sums to reflect changes in costs of provision into the future. This will be particularly relevant where a development is expected to be phased over a long time.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC DEVELOPMENT SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	9 TH OCT 2008	6

LOCAL DEVELOPMENT SCHEME

Public Item

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

Summary

The Council has been advised by GONW that following the publication of the Town and Country Planning (Local Development) (England) Regulations 2008 and a revised Planning Policy Statement 12: Local Spatial Planning that it should consider re-writing its Local Development Scheme to reflect the changes to the local development framework system.

This report indicates that the Council is not in a position to do this at the present time due to a lack of financial resources to underpin work on the Core Strategy and recommends that GONW be advised accordingly.

Recommendation

1. It is recommended that the Director of Strategic Development Services advises GONW that the LDS cannot be reviewed at the present time due to lack of resources to underpin the LDF process, and that the matter will be reviewed after the 2009/10 budget has been set.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development & Regeneration:

Councillor T Fiddler

Report

Background

1. The Local Development Scheme (LDS) is the document which sets out the development plan and supplementary planning documents which the Council proposes to prepare within its Local Development Framework and the timescales for the preparation of those documents. The current LDS was adopted by Council in March 2007 and makes reference to the following documents:
 - Statement of Community Involvement: completed and adopted by Council in July 2007;
 - Residential Extensions SPD: completed and adopted by Council in November 2007;
 - Interim Housing Policy: completed and adopted by Council in July 2008;
 - Core Strategy: work currently in progress but is behind schedule.
2. The reasons for the slow progress on the preparation of the Core Strategy are:
 - under-resourcing of the planning policy section in terms of the number of professional staff. It is assessed that a minimum of two additional experienced senior planning officers would be needed to complete the team. Two senior planning officers at £27,594 (max) including on-costs at 26% would involve £69,536 pa;
 - engagement in other work projects;
 - lack of financial resources in the LDF revenue budget to cover essential items. It is estimated that around £60,000 would be required to cover: sustainability appraisal work, a housing viability study, additional costs on the strategic housing land availability assessment, graphic artwork/printing and public meetings.
3. In relation to the last point, revenue bids submitted in relation to the preparation of LDF work were not approved by the Council during the last budget round and in the budget report to Council on 3rd March 2008 it was stated in terms that:

“...Consequently work on the Core Strategy will be severely delayed having an impact on timescales already agreed with GONW, Blackpool and Wyre Councils. This issue will be a priority 2008/09 should additional resources become available.”
4. To date during the current financial year, no further resources have been directed towards the planning policy section. As such, the Core Strategy timetable for the Core Strategy is now running about 9 months late.

Revised Local Development Scheme

5. Following the publication of a revised PPS 12: (Local Spatial Planning) and related regulations, GONW has written to the Council inviting the submission of a revision to the adopted LDS, which would reflect the changes made to the LDF system. The

suggested timetable is to have draft revised LDS for discussion by the end of September (although informally GONW has indicated some flexibility in relation to this timetable).

6. The purpose of this report is to make clear to Members that until an appropriate budget has been identified and adopted to enable work to progress, it will not be possible to revise the LDS since no reliance could be placed upon any programme identified.
7. Government Guidance is that Councils should only put into the LDS preparation of documents for which funding has been made available.
8. It is recommended that the Director of Strategic Development Services writes back to GONW indicating that the LDS cannot be reviewed at the present time because of lack of resources, and the matter will be reviewed again after the 2009/10 budget has been set.

IMPLICATIONS	
Finance	Additional resources are required to support work on the Core Strategy. These are set out in the report. There is inadequate existing budgetary provision to meet these costs in the current 2008/09 budget.
Legal	Preparation of the Local Development Framework is a statutory requirement.
Community Safety	No direct implications.
Human Rights and Equalities	No direct implications.
Sustainability	No direct implications.
Health & Safety and Risk Management	Set out in the report.

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Sept 2008	

List of Background Papers		
Name of document	Date	Where available for inspection
Letter from GONW	Received 4 th Aug 2008	Planning policy Section Town Hall, St Annes

REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	9 TH OCT 2008	7

HOUSING AND PLANNING DELIVERY GRANT

Allocation Mechanism
2008/09 2009/10 and 2010/11

Public Item

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

Summary

The report explains how the new Housing and Planning Delivery Grant will be allocated to local authorities in the current financial year and the next two years. It assesses the likely outcomes and implications for this Council.

Recommendation

1. The item is brought for information to inform the next budget round.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development & Regeneration: Councillor T Fiddler

Report

Background

1. Planning Delivery Grant has been paid by the government for a number of years. In previous years, payments were made generally for a Council's performance in determining planning applications, for making progress on the Local Development Framework and for improving the planning system through IT access (e-planning).

2. The government has now replaced the old Planning Delivery Grant (PDG) with a new Housing and Planning Delivery Grant (HPDG). The new grant will be payable from the current year 2008/09.

Housing and Planning Delivery Grant: Allocation Mechanism

3. The overall aim of HPDG is to incentivise local authorities to improve delivery of housing and other planning outcomes in support of the delivery of the new national target of delivering 240,000 new homes per year by 2016.
4. The allocation mechanism for HPDG consists of a housing element and a planning element. From 2010/11 an affordable housing element will also be introduced.

Housing Element

5. Local planning authorities with net annual additional housing completions equivalent to at least 0.75% of their existing housing stock will be eligible for the housing element. There are 35,509 dwellings within the borough (2007). The 0.75% threshold is therefore 266 dwellings.
6. The running average of completions for the three years up to 2006/07 was 186 dwellings pa so no payment will be made to Fylde Borough on this element in the first year (2008/09). Members may take the view that on this measure, the Council is prejudiced by the fact that we have been subject to a (government inspired) housing moratorium over the very years used to calculate housing completions.
7. The housing completion figure in Fylde for 2007/08 was particularly high (394 dwellings) but since the completion figures are calculated as a three year running average, it is unlikely that the Council will qualify for payments in 2009/10 either.

Planning Element

8. The planning element now consists of four separate elements.

Demonstrating Sufficient Land for Housing

9. Authorities will be rewarded for having a five year supply of deliverable housing sites in line with Planning Policy Statement 3, as identified in national indicator 159. For the first year of the grant this must be at least a five year period from 1st April 2007 to 31st March 2012.
10. It is hoped that the Council will benefit from this element in 2008/09, since for this year, the five year supply calculation is based on the Joint Lancashire Structure Plan which has a low housing requirement. If awarded, the payment would be about £72,000 (payable in October 2008).
11. In future years, the five year supply calculation will be based on the new Regional Spatial Strategy (published on 30th September 2008) which has a high housing requirement and will provide a more forward look i.e. 1 April 2009 to 31 March 2014 (in year two) and 1 April 2010 to 31 March 2015 (in year three). It remains to be seen whether the Council can achieve these targets depending on how the Council deals with planning applications for housing over future months and years. At the present time there is only about six months supply of housing land measured against the RSS.

12. Where authorities have also published a Strategic Housing Land Availability Assessment (SHLAA) that demonstrates 15 years supply of housing land, the reward will be payable at 1.5 times the normal amount. This will only be available in years 1 and 2 of the grant.
13. In year three, authorities will only receive the five year supply element where the SHLAA has been published by 31 March 2010.
14. 40% of the planning element of HPDG will be payable in respect of the five year housing land supply calculation.

Delivery of Core Strategies and Development Plan Documents

15. This part of the plan-making element will be based on the delivery of the Core Strategy and other Development Plan Documents which allocate sites for more than 2,000 dwellings. The measure will be the timetable contained within the April 2007 Local Development Scheme (LDS).
16. Payments will be made for meeting the LDS dates for submission and adoption of documents with a lower payment made if the stages are reached between 35 and 190 days late. At the present time progress on the Core Strategy has been much slower than anticipated due to lack of resources. Without the right resources, the submission and adoption dates will not be met and HPDG payments for this element are unlikely to be awarded to this Council.
17. 48% of the planning element of HPDG will be payable in respect of the plan making element.

Joint Working

18. 6% of the planning element of HPDG will be payable for those authorities who have elected to prepare joint planning documents. This Council has not elected to jointly prepare any DPDs and as such no grant will be payable in respect of this element in future years.

Strategic Housing Market Assessments

19. 4% of the planning element of HPDG will be payable to all authorities who have completed and published a Strategic Housing Market Assessment. This Council has undertaken this assessment jointly with Blackpool and Wyre Councils and the document is already completed.
20. It is hoped that the Council will be awarded about £38,000 in the current year (payable in October 2008) and that awards will be attracted in the two subsequent years.

Abatement

21. So that there continues to be an incentive to deliver on development control, there will be a mechanism to reduce the plan making element of the grant where development control performance falls below any national planning standard included in National Indicator 157 (processing of planning applications as measured against targets for 'major', 'minor' and 'other' application types).

Future Affordable Housing Element

22. Later this year the Government will publish consultation proposals for a third element of HPDG specifically to incentivise the delivery of affordable housing. It is likely that this will be introduced in the third year (2010 – 2011).

Conclusion

23. Provisional allocations for 2008/09 published in July indicated that the Council would receive £38,400. However an argument has been put to DCLG which asks for an additional £72,000 for having a five year housing land supply. It is thus hoped that the Council will attract an award of about £110,000 in the current year when the final figures are published in October. For future years the outlook is less promising since it is unlikely that house building rates will match the target set under the 'housing' element' particularly in the light of the current 'credit crunch' and without additional resources, preparation of the Core Strategy is unlikely to meet the timetabled stages identified in the 2007 LDS.

IMPLICATIONS	
Finance	Financial implications stated in the report.
Legal	No direct implications.
Community Safety	No direct implications.
Human Rights and Equalities	No direct implications.
Sustainability	No direct implications.
Health & Safety and Risk Management	Risk management implications stated in the report.

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Sept 2008	

List of Background Papers		
Document	Date	Where it can be viewed

Housing and Planning Delivery Grant: Allocation Mechanism and Summary of Consultation Responses	July 2008	www.communities.gov.uk Planning Policy Section, Town Hall, St Annes.
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REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC DEVELOPMENT SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	9 TH OCTOBER 2008	8

THE COMMUNITY INFRASTRUCTURE LEVY

Public Item

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

Summary

The Community Infrastructure Levy (CIL) will be a new charge which local authorities in England and Wales will be empowered, but not required, to charge on most types of new development in their area. Charges will be based on simple formulae which relate the amount of the charge to the size and character of the relevant development.

The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.

Part 11 of the Planning Bill, currently before parliament, will form the legislative basis for CIL by allowing the Secretary of State to lay regulations before Parliament.

This report identifies some of the main features of the CIL for information.

Recommendation

The report is brought for information only.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development & Regeneration: Councillor T Fiddler

Report

Publication of Document

1. Communities and Local Government published a document entitled 'The Community Infrastructure Levy' in August 2008. It is a statement of how the CIL will work once Part 11 of the Planning Bill completes its passage through Parliament. It replaces all previous statements on CIL. It is not published as a consultation document although the government is still working with stakeholders on the details of implementation and will consult in the future on proposed regulations.
2. The document is divided into seven main sections, the main relevant points of which are described below. The full document can be viewed on the link <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevy>
3. Members will recall that a report on planning obligations was considered by this Committee on 5th June 2008.

Introduction

4. The document indicates that almost all development has some impact on existing infrastructure, services or amenities, or creates a requirement for additional infrastructure, and thus it is fair that new development pays a share of the cost and those who benefit financially when planning permission is granted should share some of that gain with the community to help fund the infrastructure that is needed to make development acceptable and sustainable.
5. The government believes that developers should have more certainty as to what they will be expected to contribute, thus speeding up the development process.
6. The benefits of CIL are indicated to include:
 - More legal certainty enabling sub-regional infrastructure and the mitigation of cumulative impacts of development;
 - A broader (and therefore fairer) range of developments contributing to infrastructure provision;
 - Improvements in transparency, and greater certainty and predictability as to the level of contribution required;
 - Loosening the relationship between the development and the amount charged, since the charge will be by definition an average cost distributed evenly across a number of developments;
 - The facilitation of larger sub-regional infrastructure projects which would be much more difficult through planning obligations.
7. It should be noted that the existing system of negotiated planning obligations has sometimes struggled to contribute effectively to large infrastructure requirements e.g. sometimes resulting in the first or last developer having to contribute disproportionately because that development is the 'tipping point' for the need for the infrastructure.

Spending CIL: Infrastructure Delivery

8. Estimates of CIL's revenue raising potential are heavily dependent on assumptions about the number of planning authorities who take up the CIL arrangements. The government believes that CIL has the potential to raise hundreds of millions of pounds per year, although core public funding will continue to bear main burden of infrastructure provision.
9. DCLG is working with other government departments to improve infrastructure provision and related funding streams which will amongst other things support the required increase in housing delivery. Similarly the government plans to work with local government to agree how to deliver increased housing.
10. CIL receipts will be in effect ring-fenced and can be used only to deliver the infrastructure needed to support the development of an area. They will not be used for general local authority expenditure, nor to remedy deficiencies in infrastructure, except to the extent that these will be aggravated by new development.
11. A wide definition of infrastructure is anticipated which includes: transport; flood defences; schools; sporting and recreational facilities; open spaces, play areas and green spaces; health and social care facilities; police stations and other community safety facilities. The definition will also include infrastructure needed to implement 'demand management' for water consumption, waste and car use.
12. The government does not initially intend to include the provision of affordable housing within the scope of CIL. This should continue to be provided on site in support of its policy of achieving mixed communities. However, affordable housing is included within the definition of infrastructure within the Planning bill so that affordable housing could receive CIL funding in the future if considered necessary.

Setting CIL

13. Planning authorities charged with preparing 'development plan documents' under the Planning and Compulsory Purchase Act 2004 will be empowered as 'charging authorities'. This includes District Councils but not County Councils or Regional Planning Bodies.
14. The process of setting CIL will be based on the statutory development plan for the area. The development plan will set out the broad amount, type and location of development anticipated in the area. These factors will inform estimates of how much CIL is likely to be collected as well as the amount and type of infrastructure required.
15. Core Strategies need to be underpinned by infrastructure plans and this will inform in particular the levels of CIL needed to top-up infrastructure provision by infrastructure providers and other funding streams.
16. Infrastructure provision may need to be broken down into two types both of which could be funded through CIL:
 - specifically identified items needed to support major strands of the development strategy e.g. transport links to a planned urban extension;

- infrastructure not specifically identified but known to be needed e.g. the number of primary schools needed to support population growth but without specific locations.
17. CIL will only be one component of a range of funding streams financing infrastructure. The amount to be raised from CIL should have regard to how much will be available from other sources.
 18. It is likely that the government will require that a pre-requisite for being able to levy CIL will be an up-to-date adopted development strategy. Where this is not the case the local planning authority would need to prepare a new development plan before they could take advantage of CIL.
 19. Even with an up-to-date development plan, this will have to be underpinned by satisfactory infrastructure planning. To be satisfactory the development plan must be informed by clear statements of:
 - named items or classes of infrastructure related to delivery of the development strategy;
 - a broad idea of the quantum of infrastructure needed for each type; and
 - an assessment of the other sources of funding available to deliver the infrastructure and the shortfall in funding.
 20. Decisions as to whether the development plan is up-to-date and whether infrastructure planning is sufficient will be left to the local authority. If it is satisfied with these tests then it could prepare a charging schedule and have it independently examined.
 21. The government proposes that the charging schedule will be a legal document created through the CIL regulations but will make up part of the folder of documents that make up the Local Development Framework. In the early years it is suggested that the charging mechanisms will be simple approximations derived against a background of uncertainty, but in future years could become more sophisticated.
 22. The independent examination would probably take place at the same time as the examination into the Core Strategy and test whether the proposed charging schedule would put at risk delivery of the development strategy by making development unviable.
 23. The cost of the examination will be borne by the charging authority and the Inspector's report would be binding on the authority. If the authority did not wish to accept the Inspector's changes then it could opt out of the CIL process.
 24. Charges would have to be set to reflect development viability and other costs placed on developers such as the provision of affordable housing. Also authorities would need to consider how charges should reflect the broad relative impacts of different types of development and different levels of viability between those different classes.
 25. Charges may have to acknowledge different or diverse conditions within the same local authority area e.g. parts of an area subject to potential flooding.
 26. Charging units are still to be decided upon but could include rates per square metre for commercial and industrial development and one of the following for residential development:

- a per dwelling approach;
- a per bedroom approach;
- a per square metre approach.

Paying CIL

27. It is envisaged that CIL will be charged on most types of residential, commercial and industrial development in a way which ensures that it covers only those types of development which would have an impact on infrastructure. The Bill requires that regulations define the development on which CIL is payable.
28. CIL would be payable when planning permission has been granted and development has commenced. In the case of outline permissions and subsequent reserved matters applications, it will be the latter stage which will be the relevant planning permission for CIL purposes. This will enable developers to phase their payments in line with the phased development of large schemes.
29. Most development permitted under the GPDO is likely to be excluded from CIL.
30. The government acknowledges that there may be a case for exemptions to or reductions from CIL where payment of CIL would render a development unviable. It is likely that exemptions would be considered against a set of criteria. The government currently favours reductions in CIL rather than exemptions since at least some contribution to infrastructure will be collected.
31. The amount of CIL to be paid will be based on the planning permission and the charging schedule. The planning permission will state the amount of CIL-chargeable units a developer is permitted to build. The rate in the charging schedule, multiplied by the units of chargeable development indicated in the permission will determine the amount of CIL to be paid.
32. Disputes over the amount of CIL to be paid will be determined through an appeals system.
33. The government acknowledges that some developers may seek to avoid payment or make payments late by not informing the local planning authority of commencement. This would give such developers an unfair advantage over compliant developers. The government proposes to introduce a system of 'commencement notices' which mirrors the system adopted by many planning obligations. Enforcement provisions will also be put in place to deal with the situations where developers are attempting to avoid payment. Each CIL liability could be registered as a Local Land Charge thus signalling liability to prospective purchasers. This could help ensure that payment is made eventually and minimise the need for enforcement action.
34. Where payments are made late, these will be subject to additional interest payments so that compliant developers are not prejudiced and infrastructure provision does not suffer.
35. To reduce the effect on developer's cash-flow it is proposed that payment would become due within a fixed period from commencement. The possibility of payment by instalments is being considered.

Planning Obligations and Planning Conditions

36. The use of planning obligations will remain part of the planning process after the CIL regulations come into force. Local authorities who choose not to implement CIL can continue to use planning obligations. All authorities will continue to secure the provision of affordable housing through planning obligations. However, if the operation of CIL is seen to reduce the amount of affordable housing being provided through planning obligations, the government will consider bringing its provision within the CIL.
37. The government is however considering whether it should restrict the use of planning obligations e.g. to matters which directly make the development site acceptable in planning terms such as access and landscaping and make the provision of more strategic facilities such as schools, libraries and health facilities subject to the CIL.

Implementation of CIL

38. The remaining stages of the Planning Bill are not yet programmed by parliament and the government does not expect the regulations underpinning CIL to come into force before spring 2009.
39. Local authorities are advised that there are actions they could take now to get themselves into a position where they can implement CIL. These include work on infrastructure planning and viability assessments. The government acknowledges that the introduction of CIL will involve local authorities, developers and others in developing new skills and that this will not simply make demands on planners, but on a whole range of disciplines across the public sector.
40. In the next few years Housing and Planning Delivery Grant will be increased and together with the resources derived from increased planning application fees local authorities should be able to train and develop staff. (See separate report on HPDG).
41. Once introduced, the government will keep the effectiveness of CIL under review to ensure that its objective of obtaining significant additional funding for infrastructure is being met.

Potential for Introducing CIL in Fylde Borough

42. The necessary pre-conditions for the introduction of CIL are indicated in paragraphs 13 to 25 above. These include:
- an up-to-date development plan (Local Development Framework);
 - associated robust infrastructure planning;
 - the necessary skills to enable effective charging schedules to be drawn up.
43. At the present time none of these elements are in place and work on the LDF is currently being significantly prejudiced by inadequate resourcing, the details of which are identified in the previous report on the Local Development Scheme. As such without these circumstances changing, there would be very little chance of implementing the CIL within Fylde Borough in the early years of the scheme.

IMPLICATIONS	
Finance	No immediate direct financial implications stemming from this report. However, the Council is not currently in a position to implement the CIL at the expected date of introduction. Opportunities to obtain funding for infrastructure projects may thus be harmed. If this situation is to be addressed additional staff (estimated cost £69,536 pa) and financial resources (about £60,000 pa) will be necessary. These cost are identified in the report on Local Development Scheme.
Legal	As the report indicates, the Council will have a power, but not a duty, to charge CIL. However, like any decision made by the council, the decision to charge or not charge CIL will need to be properly reasoned and evidence-based. The availability of CIL makes it even more important for the Council to press on with its LDF.
Community Safety	No direct implications.
Human Rights and Equalities	No direct implications.
Sustainability	Implementation of the CIL could increase the sustainability of future development.
Health & Safety and Risk Management	See financial implications.

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Aug 2008	

List of Background Papers		
Name of document	Date	Where available for inspection
The Community Infrastructure Levy (DCLG)	Aug 2008	http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevy

Attached documents

No documents attached.

REPORT

REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR STRATEGIC DEVELOPMENT SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	9 TH OCTOBER 2008	9

PLANNING OBLIGATIONS

Public item

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

Summary

The report provides information on progress with the management of planning obligations (Section 106 Agreements).

Recommendation

That Members note progress on the management of planning obligations and make any appropriate recommendations to the Cabinet Portfolio Holder.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:
Development and Regeneration: Councillor Trevor Fiddler

Report

1. Previous decisions

- 1.1. The Committee considered a report at its 5th June meeting on issues surrounding the operation of planning obligations. The Committee made the following recommendations which were agreed by Cabinet at its meeting on the 26th June:
 1. To accept the concept of pre application discussions between applicants/ members and officers being implemented at the earliest opportunity.
 2. To agree to the undertaking of joint work across the three Fylde Coast authorities on producing a formal policy on planning obligations.
 3. To accept the interim arrangements of dealing with each application on its merits.

2. Pre application discussions

- 2.1. As part of the work of the DC task and finish group taking forward the recommendations of the Planning Advisory Service it has recommended that members be involved more in pre-application discussions over particular major applications. The Head of Legal Services is considering this recommendation and is

including measures in a revision of the Constitution for consideration by Council at its November meeting.

3. Undertaking joint work on planning obligations policies across the Fylde

- 3.1. Planning Officers have met further with their respective colleagues at Blackpool and Wyre Councils to consider the joint production of a formal policy on planning obligations. Blackpool Council has commissioned consultants to advise it in relation to developing an affordable housing policy which is compatible, as far as possible with the approach taken in the Fylde Interim Housing Policy bearing in mind that the needs and approach taken in the inner areas of Blackpool may be different from that in Fylde.
- 3.2. In the meantime both Fylde and Blackpool Officers have now appointed DWF specialist solicitors and Keppie Massie specialist valuation professionals to negotiate legal agreements with developers having carried out financial assessments of development proposals in relation to major planning applications. This will include consideration of land prices, build costs, value of completed development etc., and will enable planning officers to arrive at a better understanding of the economic value of development especially if abnormal costs are claimed.
- 3.3. The specialists will be commissioned on an application by application basis for a small number of specific major applications with their costs being met from developer contributions. This should help secure a level of planning obligations from each scheme commensurate with the value of the development.

4. The current arrangements for securing and achieving planning obligations

- 4.1. The process for achieving planning obligations from development is set out at appendix 1. This includes the steps to consider whether a development requires mitigation, establishing the level of obligation, agreement, recovery and spending. This shows the various stages involved, how decisions are reached and who is involved at key stages. Complimentary to this process is the guidance on planning obligations, included in Circular 05/2005, produced by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government). The circular states that planning obligations should be :
 - necessary;
 - relevant to planning;
 - directly related to the proposed development;
 - fairly and reasonably related to the proposed development; and
 - reasonable in all other ways.
- 4.2. The boxes shaded in green signify stages involving members and includes where pre-application discussions take place as referred to in 2.1 above.
- 4.3. One particular feature of the process is the length of time that can take place between initial pre application discussions and when monies are received and spent which can be several years.
- 4.4. Payments are currently managed by the NLPG¹ Custodian who monitors the progress of development for trigger payments and invoices appropriately. This information is kept on a simple database and a monthly report detailing payments

¹ NLPG National Land and Property Gazetteer

due and received is on the Fylde Intranet for officers and members to view. This can be accessed at <http://intranet.fylde.gov.uk/General.aspx?id=SX126F-A781CFC9> The link includes a copy of each of the Section 106 agreements in full.

- 4.5. Officers are investigating an improved software solution to manage payments which would link with existing planning software.

Implications	
Finance	There are statutory financial guidelines governing Section 106 Agreement receipts and outgoing payments. All payments must be treated in accordance with the regulations.
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	Provision of appropriate infrastructure can make development more sustainable.
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Paul Walker	(01253) 658431	28 th September 2008	

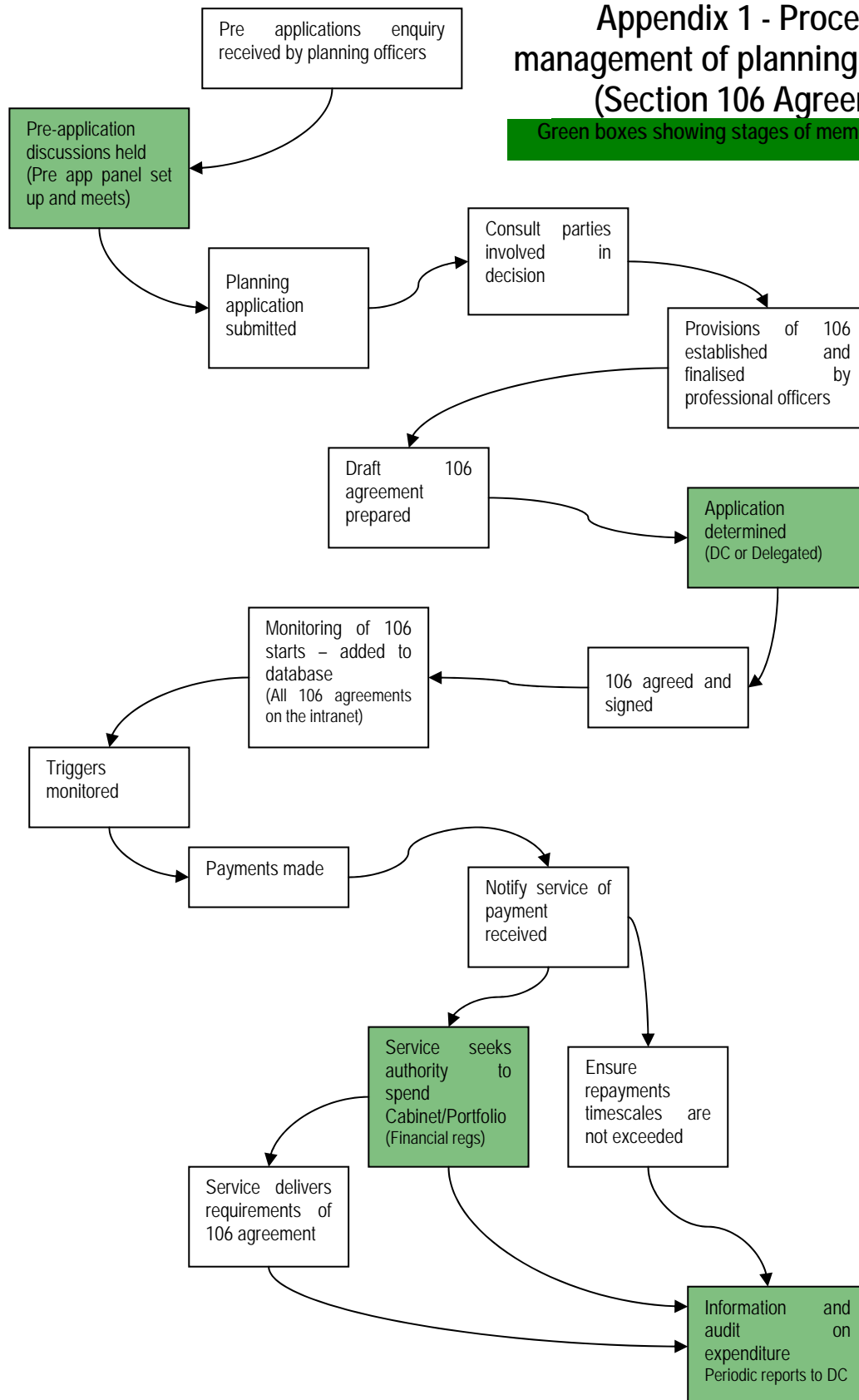
List of Background Papers		
Name of document	Date	Where available for inspection
Cabinet agenda and minutes	26 th June 2008	http://www.fylde.gov.uk/committeemeeting.aspx?id=SX129A-A7825555
Planning Policy Scrutiny Committee agenda and minutes	5 th June 2008	http://www.fylde.gov.uk/committeemeeting.aspx?id=SX1298-A78256B9
Government guidance on planning obligations - ODPM Circular 05/2005	July 2005	http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations
Community Infrastructure Levy	January 2008	http://www.communities.gov.uk/publications/planningandbuilding/infrastructurelevyguidance
Planning Obligations in Lancashire	June 2006	http://www.lancashire.gov.uk/environment/planob/index.asp#wind

Attached documents

Appendix 1 - Process for management of planning obligations (Section 106 Agreements)

Appendix 1 - Process for management of planning obligations (Section 106 Agreements)

Green boxes showing stages of member involvement



REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC DEVELOPMENT SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	9 OCTOBER 2008	10

BLACKPOOL COUNCIL – CORE STRATEGY ISSUES AND OPTIONS

Public Item

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

Summary

Blackpool Council has published its “Core Strategy” Issues and Options document. It has been prepared to seek views as a first step towards providing a new development strategy, planning ahead to meet Blackpool’s needs to 2025 and beyond.

A number of key issues for discussion are raised in the document. These are focused around 6 alternative “spatial options”, effectively setting out 6 different approaches to Blackpool’s future growth and development.

Recommendation

1. That Committee notes the report and endorses the officer’s comments, set out in section 2.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration (Councillor Trevor Fiddler)

Report

1. Background

- 1.1 The publication of this Document marks the start of preparing Blackpool's Core Strategy. The next stage, later in 2008, will be to determine the "Preferred Option" for Blackpool's future development. Following this a final Submission Version will be submitted to the Government in 2009 for Examination, with Adoption of the new Blackpool Core Strategy in 2010. The timescale for the Core Strategy, in line with national planning guidance, is required to be for at least 15 years from the date of adoption to 2025.
- 1.2 Consultation on the Issues and Options document began on 18th July and ended on 26th September. Unfortunately, any comments received after this date could not be considered. With this in mind, your officers submitted comments by the due date.
- 1.3 The document can be viewed on <http://www.blackpool.gov.uk/Services/G-L/LocalDevelopmentFramework/Home.htm> Following on from an outline of the document's purpose and an introduction the Issues and Options document is structured as follows:-

Section 3 briefly sets out the planning context provided by the range of existing local and external strategies which will continue to influence Blackpool's future growth and development. It also refers to a number of main supporting research studies undertaken to inform the Core Strategy.

Section 4 based on the main findings of the various studies, sets out a Mini Spatial Profile of Blackpool in 2007, and identifies the key issues facing Blackpool.

Section 5 seeks the way forward to address these issues and sets out the Core Strategy vision and objectives, based on all the evidence and on the aspirations set out in the Blackpool Sustainable Community Strategy.

Section 6 sets out in broadest terms a range of alternative spatial options for Blackpool's growth and regeneration. Blackpool's tight boundary means that at the outset development options, compared to many areas, are very limited. Nevertheless there remain critical and important choices to make and Section 6 accordingly sets out six options to consider for the broad direction of Blackpool's future development. These are:

- Urban concentration/ intensification - seeks to target growth as far as possible to the existing urban area, and maximize opportunities to re-utilise any vacant or underused land.
- Inner area regeneration - looks to target more growth to central Blackpool to assist the regeneration of the town centre and resort core and inner neighbourhoods.
- Suburban Expansion - looks to what extent there could be wider expansion beyond the existing urban area to develop remaining lands along its eastern boundary between Blackpool and Carleton, Blackpool and Staining and in south east Blackpool.
- Marton Moss Urban Extension - looks to what extent the Blackpool can meet its expansion needs beyond its existing urban area, but more singularly focusing growth on Marton Moss.
- Wider M55 Hub Growth Point - looks to what extent Blackpool and Fylde's respective housing and employment needs could best be met by a wider focus for expansion around the M55 junction hub on the edge of Blackpool.

- Market Driven Approach - informs wider consideration of all the options by assessing what would be likely to happen without a planning framework.

Section 7 sets out a range of more specific strategic issues under a number of key themes which will need to be considered to more closely inform the pattern and focus of Blackpool's future development. These key themes are:

- Housing Regeneration and Growth
- Balanced and Healthy Communities
- Resort Regeneration
- Town Centre Regeneration
- Wider Economic Diversification
- A Greener Blackpool
- Lifting Quality in the Built Environment
- Transport and Travel.

- 1.4 The most obvious direct demands are Blackpool's growth in housing and economic terms. Key housing and related employment needs are required by Government and regional policy to be catered for as part of the national priorities for housing growth. Each of the options is therefore centred on an outstanding net requirement for new sites to be identified for housing development, 2007-2025, is for around 5,000 dwellings, of a total dwelling requirement of 9,800; and the need for around 40 hectares of new employment land, either within or on the edge of Blackpool.

2. Current Consideration

- 2.1 Rather than express support for an individual option or answer the specific questions raised in the document, it was deemed appropriate to make a number of observations, relevant to the future planned development of Fylde, as set out below.
- 2.2 It is noted that the document refers to similarly aligned timescale for core strategies being produced for the neighbouring local authorities of Fylde and Wyre. This statement is not technically accurate. Consultation on Wyre's Area Action Plan for Fleetwood and Thornton took place in April. Fylde's "Core Strategy" Issues and Options document is currently being prepared.
- 2.3 It is noted that throughout the document the plan period is stated as being 2008 – 2025. Whilst appreciating that this is a 17 year plan period, the timescale for the Core Strategy in line with national planning guidance is for at least 15 years from the date of adoption. It is understood that Blackpool Council expects to adopt its Core Strategy in 2010. It is therefore suggested that an end period of 2025 would only just meet this minimum. In producing the Preferred Option document it is suggested that Blackpool Council should consider extending the end period beyond 2025.
- 2.4 It is noted that none of the options specifically refer to the Central Lancashire & Blackpool Growth Point Bid. This was presumably due to the date of the document's publication being prior to the approval of the Bid's Expression of Interest. It is suggested that Growth Point status and the implications for Fylde Borough should be explicitly included in the Preferred Option document.
- 2.5 The Issues and options document identifies a specific requirement for dwelling numbers and employment land over the period 2008 – 2025. It does not do the

same for retail capacity. Given the recent publication of the Fylde Coast Retail Study, it is suggested that Blackpool Council should consider inclusion of retail capacity in future Core Strategy documents.

- 2.6 At page 8 the North West Regional Spatial Strategy is referred to. It is understood that the various bullet points identified relate to draft RSS. It is expected that final RSS will be published on 30 September. Consequently the references to RSS in the Issues and Options Document have not as yet been finalised.
- 2.7 It is noted that the third bullet point on page 8, states “Development in the Fylde Coast should primarily be located in Blackpool (as part of the urban area from Fleetwood to Lytham)...” What the Secretary of State’s Proposed changes to Draft RSS policy CLCR2 ‘*Focus for Development and Investment in Central Lancashire City Region*’, actually states is that development in the Central Lancashire City Region should be located primarily in Preston, Blackburn, Blackpool and Burnley. It goes on to state that outside the Regional Towns and City development should be concentrated in Key Service Centres and Local Service Centres, and will be appropriate to the scale and function of each settlement. The accompanying justification to draft RSS Policy CLCR2 states that “Blackpool is the centre of a wider Fylde coast that includes Fleetwood, Thornton, Cleveleys and Lytham St Annes”. Blackpool Council’s officers are aware that Fylde Borough Council responded to the Secretary of State’s proposed changes to draft RSS seeking further clarification so as to confirm the exact definition of what constitutes the urban area of Blackpool. Specifically, clarification was sought so as to confirm the following:
- if every reference to Blackpool within the RSS also includes the 4 other Fylde Coast settlements; and
 - If those 4 settlements (Fleetwood, Thornton, Cleveleys and Lytham St. Annes) can be defined as key service centres even though they are part of the urban area of Blackpool?
- 2.8 In respect of the evidence base referred to on pages 9 and 10 it cites the ‘Fylde Sub-Region Strategic Flood Risk Assessment (June 2008)’. I am not aware that there is a Fylde Sub-Region Strategic Flood Risk Assessment. Presumably this should refer to the ‘Blackpool Strategic Flood Risk Assessment’? The evidence base also cites the ‘Fylde Coast Retail Study (May 2008)’. The date of this study is August 2008.
- 2.9 On page 14 your attention is drawn to the fact that the existing spatial profile identifies a main industrial area, adjacent to Blackpool Airport, which is in Fylde Borough. For clarity, the Core Strategy for Blackpool should relate exclusively to its own administrative area.
- 2.10 The wider ‘Spatial Vision’ of a New Blackpool to be delivered by the Core Strategy states that “New homes and jobs will be provided in sustainable locations to meet the community’s needs and support regeneration.”...This vision is supported in principle, subject to the vitality and viability of existing town centres, district or local centres being protected.
- 2.11 On page 26 it is stated that “Higher levels of development for Blackpool are also supported by Blackpool Council, Fylde and Wyre Councils”... Clarification is sought as to when this support was formally expressed by this Council.

- 2.12 On page 27 an average density of 30-35 dwellings per hectare is referred to. You will be aware that PPS3 states that 30 dwellings per hectare net should be used as a national indicative minimum. So as to use land efficiently, and subsequently reduce the housing land requirement of around 160 hectares, it is recommended that a higher dwelling density should be applied.
- 2.13 In the second bullet point on page 30 a number of major employers are referred to including BAE, Blackpool Airport and BNFL. For clarity, it is requested that it be made clear that these employers are located in Fylde.
- 2.14 On page 52 it states “The Blackpool and Fylde Core Strategy Issues and Options Reports raise the issue”... As mentioned under 2.2 above, Fylde’s “Core Strategy” Issues and Options document is currently being prepared. The issue “as to what extent the lands on both sides of the boundary could be developed for a potentially wider mix of uses as well as further meeting employment needs” has therefore not yet been raised by this Council.
- 2.15 In addition to the comment made at 2.11 above, it is noted that option 5 refers to lands providing 2,000 – 3,000 dwellings in Fylde. For clarity it should have been made clear that any capacity, if supported by this Council as an option, would contribute towards meeting Fylde Borough’s own housing requirement.
- 2.16 In the context of the Transport and Travel theme it is noted that there is no reference to the Fylde Coast Easterly By-Pass, or the equivalent. Given the ongoing importance the A585 (M55 – Norcross) project and the associated cross border issues, it is recommended that this be included in future Core Strategy documents.

3. Summary

- 3.1 Blackpool Council will choose a “Preferred Option” Core Strategy after consultation on this document and consideration of everybody’s views of the six options. At the time of responding to the Issues and Options document it was not possible to express support for an individual option. Furthermore it was not deemed appropriate to answer the specific questions raised in the document.
- 3.2 Instead, a number of observations were made which are relevant to the future planned development of Fylde. These comments are set out in section 2 of this report, and the Committee is asked to endorse them as appropriate. In the event that Committee wishes to express a different view to those submitted, this can of course be relayed to Blackpool Council.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and	None arising directly from the report.

Equalities	
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
Mark Sims	(01253) 658656	September 2008	

List of Background Papers		
Name of document	Date	Where available for inspection
Blackpool Council – Core Strategy Issues and Options	June 2008	Planning Policy – File P/15, or http://www.blackpool.gov.uk/Services/G-L/LocalDevelopmentFramework/Home.htm

Attached documents

None

REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC DEVELOPMENT SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	9 TH OCT 2008	11

RESIDENTIAL USE OF HOLIDAY CARAVANS AND CHALETS

Public Item

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

Summary

This report follows previous reports, the last considered by Committee on the 10th April 2008. The current report sets out the options in respect of seeking to control the unauthorised use of holiday caravans for residential purposes.

Recommendation

That the three options contained in the report are recommended to the respective Portfolio Holders

Cabinet Portfolio

The item falls within the following Cabinet portfolios:

Development & Regeneration:
Social Wellbeing:

Councillor T Fiddler
Councillor P Fieldhouse

Report

Background

In September 2003 the former Economy and Development Committee established a task and finish group to make recommendations in respect of a number of issues arising from the fact that it was believed that a number of static holiday caravans were being used as residential caravans, contrary to planning permission conditions.

A number of 'task and finish' group meetings were held in the months following but the issues continued to remain unresolved.

The issues were raised again in April 2007 when a detailed report and addendum paper was considered by this Committee.

An informal joint member / officer meeting took place on 20th March 2008 the outcome of which was referred to the meeting of this Committee on the 10th April 2008.

The Committee resolved:

- to ask officers should consult with other Lancashire authorities to ascertain whether they had identified similar issues, and if so, how they were dealing with the matters;
- to arrange for one to one meetings with site owners to be undertaken to discuss relevant issues, particularly when planning applications are submitted to extend the season;
- to undertake enforcement action (a test case) in respect of sites where there is evidence that planning conditions are being breached; and
- to ask Environmental Health officers to research whether there was a means whereby site owners could be charged for enforcement proceedings;
- to ask the Executive Manager (SP&D) to write to the MP for Fylde and the Local Government Association to raise awareness of the issues;
- to invite representatives of the Valuation Office and the licensing, tourism and rating sections of the Council to brief members on issues appertaining to their areas of responsibility;
- to ask the Executive Manager (SP&D) to obtain evidence substantiating the need for static/touring caravan sites in the borough;
- to ask the Executive Manager (SP&D) to produce an options report for consideration by Committee, detailing all the issues to be considered in preparing a suitable policy.

The subject matter identified in each resolution is covered below.

Other Lancashire Authorities

Chorley Borough Council: only have two holiday sites and are not really affected by the problem.

Blackpool Council: in general do not perceive that they have a problem. They do get a few cases presented on Marton Moss but each case is investigated.

Lancaster City Council: acknowledge that there is a problem but concede that they do not know the extent of it. Officers consider that to tackle the problem would place a significant strain on resources and there are doubts whether such action would be justified. The report prepared by Fylde officers (April 2008) was described as a very accurate summary of the situation in Lancaster also.
In relation to the suggested use of conditions in the 2007 Practice Guidance, Lancaster may continue to use the seasonal occupancy condition (although this had been

successfully challenged on appeal elsewhere). The Council has an additional problem of traveller sites being used by non-travellers.

Wyre Borough Council: acknowledge that they do have a similar problem in that caravans within a number of holiday caravan parks are being occupied to all intents and purposes as permanent dwellings.

The Council is not currently dealing with the matter. They consider that it is most likely that any breach of condition notice served would be ignored. It would occupy an entire team of enforcement officers and lawyers to deal with all the resultant court cases.

Officers consider that one of the problems is that the government favours all year round occupation, but does not like conditions which restrict occupancy to a particular time period e.g. not more than 4 weeks in any 6 month period. Given that a person could occupy a holiday caravan for an indefinite period, the Council raises the question as to how we define 'holiday'.

Meetings with Site Owners

At the time of writing this report, no new planning applications to extend the season have been received and no meetings have taken place with site owners regarding their operation of their sites. This has partly been due to a result of lack of resources, but also as it was considered preferable to await the outcome of an enforcement action "test case".

Enforcement Action

There is evidence that a number of holiday caravans on various sites across the Borough are being occupied in breach of planning restrictions. Following the officer/member meeting on 20th March initial investigations have revealed some evidence that a number of caravans on a particular site are being occupied in breach of planning conditions and initial enquiries to assess whether this site would form a suitable test case have taken place.

Members should be aware however, that in regard to planning enforcement, if a holiday caravan has been used as a primary residence for a period in excess of 4 years, it would be immune from enforcement action. If the local planning authority were to serve a notice, the recipient of the notice may appeal on the grounds that the use commenced in excess of 4 years ago.

The length of time that these particular pitches have been occupied in breach of the planning condition is not known, but it has been concluded that there is a risk that the occupiers of these caravans have been on site for in excess of 4 years and that they would, therefore, be immune from enforcement action.

Charging for Enforcement Action

There are no provisions within the legislation to charge for enforcement action. The Council can only make application to the courts for costs in bringing a prosecution, following conviction.

Correspondence with MP

Michael Jack MP has made the following points in correspondence:

- acknowledges that 'hard information' is required about the scope and scale of the problem;
- suggests that the Regional Assembly should find some resources to fund research into the area;
- indicates that it is now timely to address the issues and would be happy to co-operate in trying to persuade the Assembly, or any other relevant body, to assist Fylde in evaluating this situation.

A letter inviting the MP to the meeting has been sent but no reply has been received to date.

Correspondence with LGA

No reply has been received from the LGA to date.

Invitations

Invitations to attend the Committee Meeting have been sent out to the District Valuer's office and to the relevant officers.

Evidence Regarding Static and Touring Caravan Sites

A Caravan Site Survey was commissioned by the Council in 2007 as part of the 'Private Sector House Condition Survey'.

A sample survey of holiday licence caravan sites was undertaken. 88 surveys of caravans were completed (out of an initial target of 100) on 24 sites. Of the 24 sites, 11 (46%) were assessed as having residential units where they are described as holiday licence sites only. The main distribution of 'offending' sites was at Little Eccleston, but other such sites were identified at Lytham, Singleton, Warton and Wesham.

Consultants have also recently been commissioned jointly with Blackpool and Wyre Councils to undertake a study into the adequacy of all tourism accommodation in the sub-region. This study which will inform the preparation of the Core Strategy will comment specifically on the demand for and supply of holiday caravan pitches (static and touring).

The study should be complete by February 2009.

Options for Action

Option 1

Enforcement action could be undertaken in respect of those occupants where there is evidence that they are in breach of planning conditions and the conditions are considered to be enforceable. E.g. where occupants are in receipt of housing benefit or have elected to pay the full amount of Council Tax. This would mainly relate to sites with recent planning permission. It is indicated above that preparations for a test case are being made.

However, given the number of caravan pitches within the Borough, the collection of evidence and implementing enforcement action will be resource intensive. Given the limited enforcement resource within the planning service (which has previously been acknowledged by a Task & Finish Group that examined the Council's wider enforcement function) Members should be aware that without additional resources being made available, there would be an inevitable impact on other enforcement cases.

A further enforcement officer on Scale 6 would involve an additional £28,784 p.a. including on-costs.

Option 2

In respect of new planning applications for holiday caravans, it is suggested that planning conditions based on those recommended in the 2007 Practice Guidance should be imposed but that documentary evidence should be required from occupants whose stay exceeds a period of (say) six months. The suggested conditions would read:

- i. the caravans (cabins/chalets) are occupied for holiday purposes only;
- ii. the caravans (cabins/chalets) shall not be occupied as a person's sole or main place of residence;
- iii. the owners/operators shall maintain an up-to-date register of the names of all owners of individual caravans/cabins/chalets on the site, their main home address and two forms of documentary evidence verifying the address; and shall make this information available at all reasonable times;
- iv. the owners/operators shall maintain an up-to-date register on a weekly basis of the names of all occupiers of individual caravans/cabins/chalets on the site, their main home address and where occupation exceeds three months in any six month period, two forms of documentary evidence verifying the main home address; and shall make this information available at all reasonable times.

Option 3

Monitoring the situation could be undertaken through the licensing process. This could be done in retrospect since it may be possible to implement a programme of re-licensing all relevant sites with a view to imposing a condition which required occupants of holiday caravans to provide evidence that they had a primary residence elsewhere. This could be done by having to provide Council tax bills, utility bills etc relating to the primary residence, in the occupant's name.

The programme of work would have to be approved through the Public Protection Committee, but in any event would require additional staffing resources in the licensing section to undertake the work.

However, there are some significant doubts as to whether such a condition would effectively control the unauthorised use of holiday caravans in every case. It would be a relatively easy matter for the occupiers to give fictitious home addresses (e.g. the address of a relative) and without a sophisticated procedure of obtaining relevant documents (e.g. utility bills etc) it would be very difficult if not impossible to disprove that assertion.

The main purpose of the licensing regime is to safeguard the health and safety persons occupying caravans. This is reflected in the Government's standard model conditions for site licences, which the current Fylde site licence conditions are drawn, e.g. the distances between caravans (fire breaks) and sanitation.

Approval of such an approach would have to be approved by the Public Protection Committee should the Council wish to impose additional conditions upon existing site licences. Appeals and legal challenges could be made to the imposition of any such new condition if it was considered by site owners to be unnecessary or onerous.

In respect of resource implications, there is currently one Environmental Health Officer and one Technical Officer (vacant post), supported by the Commercial and Licensing Manager. In addition to inspecting caravan sites, these officers are responsible for enforcing health and safety legislation in over 1800 commercial premises within the Borough. Inspections are prioritised and based upon the health and safety risk. Should the Council wish to impose this additional condition, this would add a further burden or work and require officers to deal with licensing issues which may prove time consuming, not health and safety related and ultimately unenforceable.

A Technical Officer on Scale 6 would involve an additional £28,784 p.a. including on-costs.

The above options are not mutually exclusive and it is recommended that the actions identified in options 1 and 2 are supported by the Committee. Members are asked to come to a view on whether a request should be made through the Portfolio Holder to the Public Protection Committee regarding monitoring and enforcement through the licensing procedure.

IMPLICATIONS	
Finance	Enforcement will have significant implications for the Council's revenue budget which are set out in the report. There is no provision in the current 2008/09 budget to employ additional staff to undertake additional enforcement work.
Legal	All suggested enforcement solutions depend on the council being prepared to invest in resources to make them effective. Members should be under no illusions that present resources do not allow for a comprehensive solution to the perceived problems without diverting resources presently used for other priorities.
Community Safety	No direct implications.
Human Rights and Equalities	There may be significant implications if enforcement leads to people losing their homes.
Sustainability	It is not sustainable to have people living in caravans in the rural areas of the borough remote from services and facilities.

Health & Safety and Risk Management	<p>Option 3 could give rise to appeals against conditions which could put at risk the recommended strategy.</p> <p>If successful, enforcement procedures could result in people being made homeless and presenting themselves to the Council as such.</p>
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Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Sept 2008	

List of Background Papers		
Name of document	Date	Where available for inspection
Previous Report to PPSC	10 th April 2008	Council website

Planning Policy Scrutiny Committee



Date	31 July 2008
Venue	Town Hall, St Annes
Committee members	Councillor John Bennett (Chairman) Councillor William Thompson (Vice-Chairman) Ben Aitken, George Caldwell, Michael Cornah, Maxine Chew, Kevin Eastham, Trevor Fiddler, Lyndsay Greening
Other Councillors	John Davis, Kathleen Harper, Barbara Pagett, John Prestwich, Paul Rigby, Fabian-Craig Wilson
Officers	Paul Walker, Tony Donnelly, Mark Sims, Lyndsey Lacey, Natham Skelton
Representatives	Nick Laister and Jonathan Dixon (RPS Planning & Development)
Members of the public	Barbara Mackenzie, Fred Moor, Barbara Moor, Arnold Sumner, Til Partington, Val Andrews, Darrell Butterworth, Wendy Butterworth, Paul Taylor, Karen Taylor, Keith Blackburn, Eric Swann, Muriel Swann, Eric Pass, Chris Jones, D.A Hayes, V. Underwood - Jones, Ronald Jones, Jill Sumner, Stephanie Quigley, Christopher Sweeney, Pater Savic, John Felles, Colin Godrey, Alan Stafford, Palmira Stafford, Jane Barron, Fay Thompson, Barbara Gresey, Stuart Gresey

Mr Paul Drinnan

The Chairman, Councillor John Bennett made reference to the recent admittance to hospital of Mr Paul Drinnan (Head of Planning - Regeneration) The committee wished to place on record its best wishes for a speedy recovery.

1. Declarations of interest

Members were 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.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Planning Policy Scrutiny Committee meeting held on 5 June 2008 as a correct record for signature by the chairman.

3. Substitute members

The following substitution was reported under council procedure rule 22.3:

Councillor Kevin Eastham for Councillor Keith Beckett

4. Preston Tithebarn Regeneration Area Prospective Mixed Use Planning Application

Mark Sims (Principal Planning Officer) presented a report on a prospective mixed use planning application for the Preston Tithebarn Regeneration Area.

Mr Sims provided the committee with a brief overview of the application and the background to the scheme. He indicated that the Tithebarn Regeneration Area in Preston, was Preston City Council's first priority for city centre regeneration and was located in the north eastern quarter of the city centre which included the bus station. The City Council considered that the regeneration of the area was a critical catalyst to the City Council's wider regeneration aspirations, and it was fundamental to allow Preston to fulfil its role in the region.

It was reported that detailed proposals for the site were evolving, and the scheme was likely to include an appropriate mix of high density uses including retail, leisure, culture, residential and offices. The issue for consideration was the likely impact of the Tithebarn scheme upon the town centres of Lytham, St Annes, Kirkham and Wesham.

Mr Sims explained that Blackpool and Blackburn with Darwen Councils had jointly appointed Abbott Associates, specialists in retail matters, to advise on retail impact issues as they had advised both Blackpool and Blackburn with Darwen thus far on the various assessments produced in support of the Tithebarn Scheme. The Council had been invited to join a steering group along with Blackpool, Wyre and Blackburn with Darwen Councils whose remit will be to respond jointly to the Tithebarn RA planning application when it was submitted to Preston City Council.

Following discussion the Committee RECOMMENDED

1. To advise that the Committee acknowledges Preston's predominance in the hierarchy of the shopping centres in the administrative area of Lancashire nevertheless, that committee agrees that Executive Manager, Strategic Planning and Development, accepts any invitation to meet with senior officers from Blackpool, Wyre and Blackburn with Darwen Councils to jointly consider whether there would be any likely effect of the Preston scheme on other centres, including centres within Fylde Borough.

2. To request that when the planning application is submitted to Preston City Council that the details are referred to the Portfolio Holder for Development and Regeneration for comment and, if appropriate, a collective Fylde Coast / Blackburn with Darwen authority response be submitted.

5. Seafront Master Plan

Mr Nick Laister (Planning Director) and Mr Jonathan Dixon (Associate) of RPS Planning & Development Ltd attended the meeting and addressed the Committee on the contents of the proposed Seafront Master Plan document. A copy of the MasterPlan was made available to all members of the committee.

Members were advised that RPS had been commissioned by the Council to explore the redevelopment potential of St Annes seafront (the study area) the area know as 'The Island'.

Mr Laister and Mr Dixon explained to the Committee that to inform the Master Plan, the company had undertaken a separate analysis of relevant planning policy and guidance and had carried out a market testing exercise to identify those forms of development that could be accommodated on this site.

In brief the presentation made reference to the site description, the townscape framework; opportunities available, (Masterplan Option 1) limited devolvment and (Masterplan Option 2) major redevelopment and the proposed design brief.

Following the presentation the Chairman allowed questions from members of the public and the consultants addressed each question in turn.

Councillor Caldwell enquired about the background to the brief. Councillor Thompson commented on the situation of anticipated rising sea levels and the likely effects upon this development. Concerns were also raised about the lessees of the site and their involvement in the process. These issues were addressed by the consultants.

The Portfolio Holder for Finance and Efficiency (Councillor Paul Rigby) stated that this site needed to be improved in a structured and methodical manner and was generally supportive of the proposed scheme.

Members commented on the availability of funding of the scheme. The committee was advised that it was anticipated that through both public and private funding, this area, and the adjacent seafront, could be developed with a view to adding value and ensuring the long term vitality and prosperity of the tourism industry in St Annes. Members were advised that this was an early stage of the proposed scheme.

Following a lengthy debate the Committee RECOMMENDED the following:

1. To thank Mr Nick Laister and Jonathan Dixon of RPS Planning & Development for their attendance at the meeting;

2. To meet with the lessees of the site with a view to exploring their interest or otherwise in any redevelopment scheme in general, and in the proposed master plan in particular;
3. Dependent on the outcome of 2 above, to request that appropriate officers in consultation with the Chairman and Vice-Chairman of committee and the Portfolio Holder investigate the scope and content of the proposed consultation exercise;
4. Dependent on the outcome of 2 above, to ask the Executive Manager in consultation the Chairman and Vice-Chairman of committee and the Portfolio Holder to look at alternative options for funding the next stages of the proposed Masterplan and how it could interlinked with the Heritage lottery fund;

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