Fylde Council

Agenda

DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 20 August 2015 at 6:15pm

Venue: Town Hall, St Annes, FY8 1LW

Committee members: Councillor Trevor Fiddler (Chairman)

Councillor Richard Redcliffe (Vice-Chairman)

Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.

Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications: see <u>Public Speaking</u> <u>at Council Meetings.</u>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 29 July 2015 as a correct record.	1
3	Substitute Members: To report details of any substitute members notified in accordance with council procedure rule 25.	
	DECISION ITEMS:	
4	Development Management Matters	3-17
5	Kirkham Town Centre Public Realm Scheme	18-24
6	Community Infrastructure Levy (CIL); The Preparation of A Draft Charging Schedule and a Regulation 123 (Infrastructure) List	25-30
	INFORMATION ITEMS:	
7	Five Year Housing Supply Statement	31-32

Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: democracy@fylde.gov.uk

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http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx

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2	15/0365	MILL FARM, FLEETWOOD ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3HD PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Grant	10

Development Management Committee Schedule 20 August 2015

Item Number: 1 **Committee Date:** 20 August 2015

Application Reference: 15/0342 **Type of Application:** Householder Planning

Application

Applicant: Mr & Mrs Fletcher Agent: Keith Gleeson

Location: GLENVIEW, GARSTANG ROAD, LITTLE ECCLESTON WITH LARBECK,

PRESTON, PR3 0ZQ

Proposal: SINGLE STOREY REAR EXTENSION TO KITCHEN, ENLARGEMENT OF WEST REAR

DORMER, EAST SIDE ROOF LIFT TO FORM SECOND STOREY EXTENSION TO ROOF

AND ADDITION OF FRONT ENTRANCE AREA ROOF CANOPY AND RECONFIGURATION OF WINDOWS/ENTRANCE DOORWAY

Parish: ELSWICK AND LITTLE Area Team: Area Team 2

ECCLESTON

Weeks on Hand: 13 Case Officer: Rob Clewes

Reason for Delay: Need to report to Committee

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a detached house located in the countryside outside of the village of Little Eccleston, with the proposal being to add a series of extensions to it. These proposed extensions and alterations are considered to be in keeping with the existing property and the overall design and appearance is considered acceptable. The amenity of the neighbouring properties either side will not suffer a detrimental impact to their amenity however 3 first floor windows should be obscure glazed to ensure satisfactory privacy. Taking the above into account the proposal is considered to comply with the NPPF and Policies SP2, HL4 and HL5 of the Fylde Borough Local Plan and recommended for approval.

Reason for reporting to Committee

The Parish Council have objected to the application therefore under the procedures set for determining planning applications this application has been brought before Development Management Committee.

Site Description and Location

The application property is a red brick detached house located on the southern side of Garstang Road to the southwest of the rural settlement of Little Eccleston. The property has a hipped roof and front and rear dormers.

To the rear of the property there are agricultural fields. Either side there are neighbouring

residential properties of differing styles and designs.

Details of Proposal

The proposal is for a single storey rear extension, enlargement of a rear dormer, a roof lift to the east side of the roof and additions and alterations to the existing entrance.

The rear extension projects 5.8m and is 3.5m wide. It has a flat roof with a lantern and the existing hipped roof over the kitchen will be changed to a flat roof of the same height.

The dormer extension is to the western rear dormer. The extension is 4.2m wide and it projects out the same distance as the existing dormer. The new hipped roof has an eaves height the same as the existing dormer and the ridge height is marginally lower than the ridge of the main roof.

The roof lift to the eastern slope of the main roof increases the height of the roof by 2m and it is 6.3m wide. The new part of the roof is hipped.

The addition and alterations to the existing porch consist of the re-sizing and repositioning of the windows and the addition of a canopy over the front door.

Relevant Planning History

Application No.	Development	Decision	Date
01/0215	PROPOSED FRONT WALL WITH TWO GATES TO NEW DWELLING	Granted	14/05/2001
00/0605 99/0063	NEW DETACHED DWELLING AND GARAGE OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SERVICE STATION AND ERECTION OF 1 NO. DWELLING	Granted Refused L	04/10/2000 26/03/1999

Relevant Planning Appeals History

Application No.	Development	Decision	Date
99/0063	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SERVICE STATION AND ERECTION OF NO. DWELLING	Allowed 1	02/09/1999

Parish/Town Council Observations

Little Eccleston with Larbreck Parish Council notified on 22 May 2015 and comment:

"The ground floor extension and front entrance alterations were considered to be acceptable by the Parish Council however, the windows in the gable end and the French doors to the first floor (potentially allowing access to the new kitchen extension roof) were felt to be an invasion of privacy for the neighbours."

Statutory Consultees and Observations of Other Interested Parties

Wyre Borough Council - Planning Dept

Comments - No comments received

Neighbour Observations

Neighbours notified: 22 May 2015

No. Of Responses Received: 5 letters of objection received

Nature of comments made: Roof terrace will lead to noise pollution

Loss of privacy Overbearing

Over development of the site

Space around the house will not allow for safe construction Inaccuracies on application form regarding height of trees

Loss of light

Inappropriate materials

Relevant Planning Policy

Fylde Borough Local Plan:

SP02 Development in countryside areas

HL05 House extensions

HL04 Enlargement and replacement of Rural dwellings

Other Relevant Policy:

NPPF: National Planning Policy Framework NPPG: National Planning Practice Guidance

JHE Joint House Extensions SPD

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues regarding this proposal are:

- Principle of the development
- Design
- Impact to the street scene
- Impact to residential amenity

Principle of the development

The application property is located within the countryside as defined by the Fylde Borough Local Plan. The site is a residential property with a defined residential curtilage therefore the appropriate Local Plan policies that apply to this application are Policies HL4 relating to the scale of residential extensions and HL5 relating to the general design and amenity requirements of residential extensions. Both these policies allow in principle for the extension of residential properties within the countryside.

Design

The design of the proposed extensions and alterations are considered acceptable as they are in keeping with, and do not dominate, the existing property. Although it is a relatively large dwelling within the site the extensions are not considered to be of a size and nature that they would be considered over-development as the spacing and massing of the property remains similar to that which currently exists. The proposed extensions are therefore considered to comply with both Policy HL4 and HL5 of the Fylde Borough Local Plan.

Impact to the street scene

The proposal will not have a detrimental impact to the character of the street scene. The proposed extensions and alterations do not detrimentally alter the appearance of the property nor the wider area as the majority of the proposed development is to the rear of the property.

Impact to residential amenity

The proposal will not create any detrimental impact to wither neighbouring property in terms of overbearing or massing impacts. The single storey rear extension will create no increase in impact as the extension does not project beyond the existing kitchen and due to the distance from the eastern boundary there will be no overbearing to the neighbouring property to the east, Millfield. The first floor rear dormer extension will not create a detrimental to Glen Cottage in terms of overbearing as it projects no further than the existing dormer and the roof, albeit larger, is hipped thereby reducing its mass. Any impact created will be minimal and is considered acceptable. The roof lift to the east side of the main roof will have no impact on the neighbouring properties. Although immediately adjacent the boundary with Millfield the increase in mass and bulk is minimal as it is lower than the ridge line of the main roof and the new part of the roof is hipped away from the boundary. This part of the proposal will have no impact on any other neighbouring property. The alterations to the existing entrance create no additional overbearing due to their small size.

Neither neighbouring property either side will suffer a detrimental increase in loss of light. This is due to the orientation of these properties, including the application property. The rear of the properties face southwards and due to this existing orientation there will be no detrimental loss of light to either neighbouring property by any element of the proposal.

In terms of loss of privacy there will be no detrimental impact from the proposal. The proposed roof lift proposes 3 first floor side elevation windows which face the neighbouring property to the east, Millfield. These windows will look out onto the roof of Millfield, however to ensure that there is no risk of an unacceptable impact these window should be obscure glazed to limit any potential views. None of the other elements of the proposal will impact on the privacy of Millfield.

There will be no detrimental impact to the neighbouring property to the west, Glen Cottage, as none of the windows in the single storey extension or the dormer extension directly face the property. The proposed first floor rear elevation window in the dormer extension looks primarily into the rear garden of the application property and into the fields further south. For clarity this opening whilst large is a window and not a set of patio doors from which access can be gained to the flat roof. The creation of a balcony is not part of the proposal and any such development would require the consent of the planning authority.

Other matters

Comments received raised concerns over the ability to carry out the construction and inaccuracies on the application form.

The ability to carry out the development in a safe and appropriate method are not material planning considerations. It is the applicant/contractors responsibility that all other relevant legislation is adhered to during construction works.

With regard to inaccuracies on the application form the alleged inaccuracy was noted and assessed during the site visit and has been given due consideration. It is deemed that this matter has not resulted in a material change to the assessment and recommendation.

Conclusions

The proposed extensions and alterations are in keeping with the existing property and the overall design and appearance is considered acceptable. The amenity of the neighbouring properties either side will not suffer a detrimental impact to their amenity however 3 first floor windows should be obscure glazed to ensure satisfactory privacy. Taking the above into account the proposal is considered to comply with the NPPF and Policies SP2, HL4 and HL5 of the Fylde Borough Local Plan.

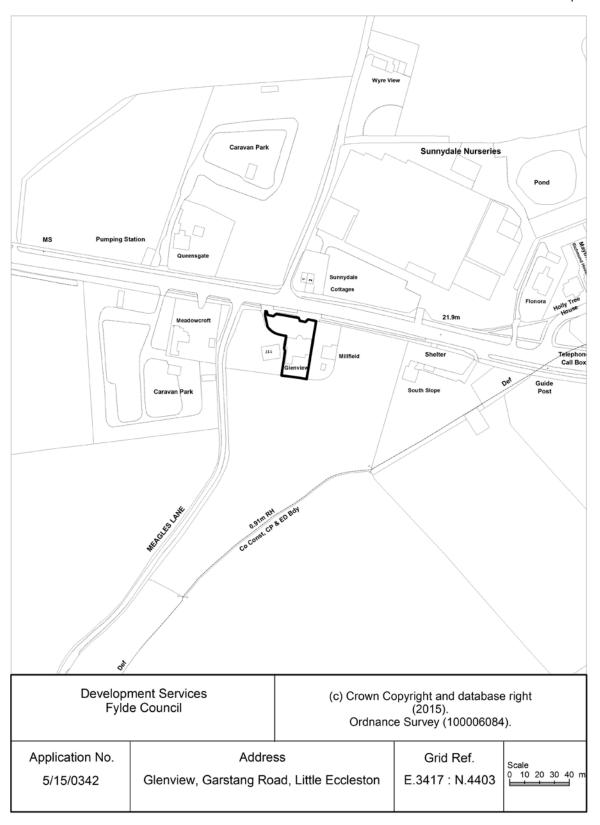
Recommendation

That Planning Permission be GRANTED subject to the following conditions:

- 1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.
 - This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.
- 2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in form, colour, and texture.
 - To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building as required by Policy H L5 of the Fylde Borough Local Plan.
- 3. The proposed first floor East facing side elevation windows on the approved plan shall be glazed with obscure glass to a level of Pilkington Grade 4 (or equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.
 - To safeguard the amenities of the occupants of adjoining residential premises as required by Policy HL5 of the Fylde Borough Local Plan.
- 4. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 19 May 2015, including the following plans:
 - Proposed Elevations Keith Gleeson drawing 1504/01/09
 - Proposed Elevations Keith Gleeson drawing 1504/01/08
 - Proposed first floor plan Keith Gleeson drawing1504/01/07
 - Proposed rear ground floor plan Keith Gleeson drawing 1504/01/06

For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.





Item Number: 2 **Committee Date:** 20 August 2015

Application Reference: 15/0365 **Type of Application:** Variation of Condition

Applicant: Mill Farm Ventures Agent: PWA Planning

Location: MILL FARM, FLEETWOOD ROAD, MEDLAR WITH WESHAM, PRESTON, PR4

3HD

Proposal: PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO

SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.

Parish: MEDLAR WITH Area Team: Area Team 1

WESHAM

Weeks on Hand: 12 Case Officer: Kieran Birch

Reason for Delay: Need to determine at Committee

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This is an application that seeks to vary one of the conditions imposed on the planning permission for the AFC Fylde football stadium and associated development at Mill Farm in Wesham.

The proposal seeks to vary condition 20 of the planning permission so to allow the development to proceed without the submission of any additional information regarding the noise that could be generated, but to require that it be operated in a way that prevents the noise generated from exceeding limits to be prescribed in an amended wording of this condition.

The NPPF in para 123 directs local planning authorities to ensure that developments should not create noise that causes adverse effects on health and quality of life, with this interpreted at a local level by Policy EP27 of the Fylde Borough Local Plan. Officers believe that the proposed amendment is acceptable and would comply with Policy EP27 and the NPPF in providing an enforceable way of protecting residential amenity. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

The application proposes an amendment to a condition that was imposed by Committee, and so is also to be determined at Committee in accordance with the Scheme of Officer Delegation. It is also subject to a recommendation for approval despite an objection from the Town Council.

Site Description and Location

The application site is the Mill Farm development granted planning permission through 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m2 warehouse and distribution centre (Class B8), 1,518m2 neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping,

drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m2 non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The site is a 12.6 hectare sited situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some dwellings alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside.

Construction has commenced on the site to implement the planning permission, but prior to development it comprised gently undulating agricultural land with field boundaries separated by hedgerows and trees. The site is allocated as a Countryside Area within the Adopted Fylde Borough Local Plan under Policy SP2. The Revised Preferred Option of the Fylde Local Plan to 2032 will indicate that the site is to be allocated as a mixed employment/leisure use, with 4 hectares specified for employment purposes.

Details of Proposal

The proposal is to vary condition 20 of planning permission 13/0655 relating to noise controls. As approved this reads;

Prior to the commencement of each phase of the development hereby approved, a scheme detailing the noise insulation/prevention measures for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:-

- 50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and
- 55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or
- any such level as approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity.

The application proposes that this be amended to the following:

The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:-

- 50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and
- 55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or
- any such level as approved in writing by the Local Planning Authority."

Reason: In order to protect residential amenity.

Relevant Planning History

Application No.	Development	Decision	Date
15/0309	APPLICATION FOR APPROVALL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655		
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE	(
	OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.		

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 17 June 2015 and object to the proposal as follows:

"The Council are of the opinion that if the developer/contractors are adhering to the condition they must be monitoring the noise limits. It is little extra burden to share this information."

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

There are no objections to the above proposals. The noise figures quoted are satisfactory as they are taken from current World Health Organisation guidelines.

Neighbour Observations

Neighbours notified: 17 June 2015

No. Of Responses Received:

Nature of comments made:

I am a night shift worker therefore sleep in the day and am already finding it difficult to sleep with the noise being made opposite the house. As you are probably aware we also have building work going on behind our house so moving to the back room I am still disturbed from the noise of that. Another point would be that this work begins around 7am waking my father everyday and he is an elderly gentleman and does not sleep very well. This work continues until around 4pm / 5pm. Throughout the day there is a constant drone on noise happening which has a many occasion forced my father to leave the house as he cannot cope with the noise anymore. The noise is 6 days a week with a rest on Sundays. I understand noise will be made however I do believe more information should be submitted in order to have some control on this and not affect our lives anymore than it is doing. Me and my father are in conversation about claiming compensation due to the noise and disruption we are currently experiencing, not only noise levels but traffic congestion etc. If these levels get worse than they are now we will have to seriously consider this.

Relevant Planning Policy

Fylde Borough Local Plan:

EP27 Noise pollution

Other Relevant Policy:

NPPF: National Planning Policy Framework NPPG: National Planning Practice Guidance

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The proposal is to replace an existing condition that controls the noise emissions from the site with another one that imposes the same noise level restrictions but removes the requirement for a scheme describing the noise insulation and prevention measures to be submitted to and approved by the council for each stage of the development.

Condition 20 that was placed on planning permission 13/0655 and relates to the site as a whole with the being to protect residential amenity. Therefore what we must consider whether or not the amended wording of this condition will still provide an appropriate level of protection to residential amenity. It does this by requiring that the developments are designed so that the noise from each phase does not exceed certain levels at certain times within and outside of dwelling houses – i.e. noise sensitive premises. For example within dwelling houses noise should not exceed 50dB between 07.00 and 23.00, and 45dB from 23:00 to 07.00. A 60dB max figure was stated for single

sound events. In the external areas i.e. gardens and balconies the limit was 55dB from 07.00 to 23.00 or any such level approved in writing by the LPA.

Decibels (dB) are a unit of noise level derived from the logarithm of the ratio between the value of a quantity and a reference level. For sound pressure level the reference quantity is 20 micro-pascals, the threshold of hearing (0 dB) with 140 dB(A) is the threshold of pain.

The proposed amendment to the condition retains the same noise level restrictions as stated as the maximum in the original condition, but does not require a scheme to be submitted to the LPA for approval as to how these are achieved. The revised condition simply states that the proposed development should be designed so that the cumulative noise from the proposed noise sources does not exceed the levels outlined above. Therefore if the cumulative noise from the development were to exceed these levels then the development would be in breach of the condition. The condition therefore limits the allowed maximum noise from the development as a whole to that originally allowed but allows this to be more easily managed as it removes the bureaucracy of submitting the methods for this.

The Councils Environmental Protection Officer has been consulted on the proposed amendment and states that the noise figures quoted are satisfactory as they are taken from current World Health Organisation guidelines. He is satisfied that the methodology of achieving these levels is not relevant, providing they are achieved. If there are concerns over the noise levels and potential breaches of other then these could be investigated and details of the nose reduction methods investigated at that stage irrespective of this proposed change in the condition wording.

Policy EP27 of the Adopted Local Plan relating to 'Noise Pollution' states that where appropriate planning permission will be granted subject to conditions to minimise or prevent noise pollution. It is considered that the proposed amendment constitutes a condition which would minimise and seek to prevent noise pollution and so continues to comply with this policy. The NPPF para 123 states that planning decision should aim to;

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

It is considered that by limiting the noise allowed cumulatively from the site to a level acceptable to the World Health Organisation the condition succeeds in the preventing the development from giving rise to significant adverse impacts on the health and quality of life of surrounding dwellings and that the condition can control this and is appropriate considering the site is to be allocated as a mixed employment/leisure site and does not place an unreasonable restriction on the developers thus complying with that element of the NPPF.

The NPPG states that neither the NPPF nor the Noise Policy Statement for England expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. It states that conditions can be used to specify permissible noise levels as appropriate at certain times of the day and that Noise can constitute a statutory

nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens. Therefore the levels if considered to be exceeding those allowed by the amended and original condition can be monitored by Environmental Protection and if necessary action taken using this Act. It is therefore considered that the amendment to the condition is acceptable.

Conclusions

The proposed amendment to the condition will succeed in preventing unacceptable impact on neighbouring residential amenity and can be enforced through the planning system and Environmental Protection Act. There are therefore no issues with the application.

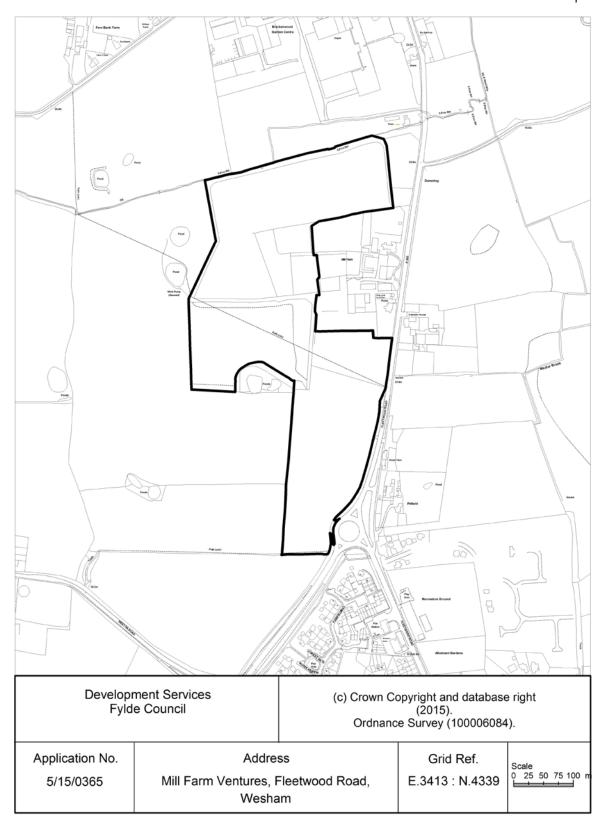
Recommendation

That Planning Permission be GRANTED for the proposed variation of condition 20 of planning permission 13/0655.

- 1. The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:
 - 50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and
 - 55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies,
 - or any such level as approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity.





Appeal Decisions

There are no appeals decisions to report in the period 17 July 2015 to 7 August 2015.



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
PLANNING AND REGENERATION	DEVELOPMENT MANAGEMENT COMMITTEE	20 AUGUST 2015	5

KIRKHAM TOWN CENTRE PUBLIC REALM SCHEME

PUBLIC ITEM

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

SUMMARY

The regeneration of the town centres of the Borough has been a priority for a number of years and is a key component of the Councils Economic Development Strategy. Public realm improvement in the centre of Kirkham has been an ongoing project and previous phases of works have had a significant, beneficial impact on improving the environment within the defined town centre. A number of phases, based on a series of 'Zones' have been identified, which are the focus for improvement.

In the Council's capital programme for 2015/16, a sum of £50,000 has been allocated towards the implementation of further phases of the public realm improvement programme. These are proposed to be within Zones 3 and 4 of the approved plan for the town centre. This sum will be supplemented by the previously approved contribution of £35,000, allocated through the Government funded High Street Innovation Fund. In addition, Lancashire County Council will make a contribution to the public realm improvements in connection with its traffic signal improvement scheme at Town End.

RECOMMENDATIONS

- 1. That the Committee approve commencement of the next phase of the Kirkham Town Centre regeneration works in the sum of £85,000 as detailed in this report;
- 2. That the Committee approve expenditure for this purpose in the sum of £50,000 from the approved 2015/16 capital programme scheme for Kirkham Town Centre Regeneration;
- 3. That the Committee approve a fully-funded revenue budget increase in 2015/16 in the sum of £35,000 for this purpose to be met from the agreed allocation of the High Street innovation Fund monies, that being the sum ear-marked for Kirkham Town Council for the delivery of additional public realm scheme works in Kirkham town centre, and to note that this amount will form part of the funding for delivery of the Kirkham Town Centre regeneration works rather than being paid directly to Kirkham Town Council;
- 4. That Committee approve that amendments to the Zoning Plan, at appendix 2, and that this subsequently be incorporated within the Council's Regeneration Framework, as may be amended.

CORPORATE PRIORITIES (delete √ which are not relevant)

To Promote the Enhancement of The Natural & Built Environment (Place)	٧	To Encourage Cohesive Communities (People)	٧
To Promote a Thriving Economy (Prosperity)	٧	To Meet Expectations of our Customers (Performance)	

SUMMARY OF PREVIOUS DECISIONS

Report to the Council's former Cabinet entitled 'Town Centre Regeneration' dated 14th January 2015. With regard to Kirkham the Cabinet resolved:

- 1. To authorise officers to update the Council's Regeneration Framework, consolidate implemented projects and take account of updated schemes (as proposed) and bring about their implementation. The updated Framework be thereafter used to seek funding contributions, where appropriate, to implement the schemes contained within the Strategy.
- 2. That in respect of implementing the Regeneration Framework and schemes contained within it, officers be authorised to use the document to seek funding through Section 106 agreements, where appropriate so as to direct investment to implement schemes contained within the Framework.
- 7. That in the case of Kirkham, the Zoning Plan indicated on the plan (noted as Appendix 4 of the report) be adopted for the purposes of the Regeneration Framework and thereafter implemented as resources become available. The delivery of the actual zones, in sequence, would be tied to practical issues including the resources available at the time of implementation.
- 10. That in respect of implementation and construction of approved schemes, the Council continue to work in partnership with Lancashire County Council on the basis that it is demonstrated that this method offers best value from a financial and quality perspective.

REPORT

Background

- 1. A comprehensive report was presented to Cabinet in January 2015, which provided a review of the regeneration activities of the Council since the inception of this work in the year 2000. Within this review, the Borough's market town of Kirkham was considered. It was explained that through the former Countryside Commission's Market Town's initiative, improvement to the physical environment of the town centre was viewed by the business community and the public in general as a key issue. This was considered necessary to promote its on-going economic sustainability. A building refurbishment scheme has been one of the successes of the wider regeneration initiative for the town centre.
- 2. Kirkham Town Centre is a defined scheme within the Councils approved Regeneration Framework as a means of attracting funding from various sources. The centre of town has been divided into 7 zones, primarily based on discrete blocks of properties. To date, three of these zones have been completed at a cost of £225,000 (Fylde contribution of £70,000). The works undertaken so far have had a major, positive impact and have been well received by the business community and public in general. A scheme drawing is attached at appendix 1 which indicates the proposed scheme for Kirkham town centre.
- 3. In order to maintain the momentum of improvement, the Council has allocated a sum of £50,000 in the current year's capital programme, as a contribution to the implementation of further zones. This will be supplemented by a sum of £35,000, already approved for use in

- Kirkham, under the Government's High Street Innovation Fund and held by this Council (£100,000 was awarded to the Borough for town centre initiatives).
- 4. Lancashire County Council is to upgrade the traffic signals at Town End this financial year and has notified this Council that in view of its own programmes, it would wish to start the works on the 7th September 2015. It has always been envisaged that the traffic signal scheme and the next scheduled phases (zones), primarily relating to the upgrading of footways, should, if at all possible be aligned. In relation to the works proposed and funded by Lancashire County Council, this action will save costs in respect of traffic management but importantly, the costs of reinstating footways can be set against the overall scheme. This has the effect of contributing a sum amounting to around £20,000 to the next immediate phase of the public realm scheme. The total costs of the next scheduled phase, including the signal upgrading, is estimated at £126,000. The Borough Council has had a very productive working arrangement in implementing public realm schemes with the County Council, maximising the resources available in the pursuit of 'best value'. In recognising the benefits of this relationship, Cabinet has endorsed this working arrangement in the context of delivering future public realm schemes.
- 5. The previous report, presented to Cabinet in January of this year, resulted in an approval for the further implementation of public realm improvements in line with the adopted zoning plan. The immediate proposals relate to and would result in the completion of Zones 3 and 4, as identified.
- 6. Committee is therefore asked for its approval to utilise the allocated £50,000, in addition to the £35,000 held within the High Street Innovation Fund. The total sum will be used for the purposes of continuing the Kirkham Public Realm Scheme, namely zones 3 and 4.
- 7. The scheme essentially follows on from previous phases and includes the repaving of footways in an attractive 'tegular' block with any ancillary forecourt areas in an oblong brick, to create a demarcation. The use of a consistent design approach and coordinated colour scheme will help give the town a particular identity. Attractive bollards would be included being sited close to the kerb edge as a means of protecting the paving by preventing vehicle intrusion onto the footways.
- 8. Future revenue budget impacts will be limited since much of the scheme will be, by and large, paving works which has an extremely long, largely maintenance free lifespan. In the case of works to forecourts (which are few in number) agreement is reached with property owners regarding their responsibility for future maintenance, such as may be required. Lighting and highway trees will become the responsibility of the County Council. Taken as a whole, there will be no future maintenance liability associated with the scheme to the borough council.
- One of the objectives of the Regeneration Framework is that of identifying priorities for the physical enhancement of town and village centres, identified through a number of sources. The Framework has also been used extensively to seek out commuted payments, through Section 106 Agreements, from relevant developments, thereby contributing to its implementation. The Framework will be 'rolled forward' into the Local Plan and will form part of the emerging Community Infrastructure Levy Strategy that will be prepared alongside it. This will hopefully assist in the continuation of implementing identified public realm schemes improvements aimed at supporting the future sustainability and enhancement of important town and village centres.
- 10. At the meeting of Cabinet on the 15th January, approval was given to the updating of the Regeneration Framework, which is underway. This matter and will be reported to Committee in due course. In respect of Kirkham, it is suggested that the Zoning Plan be updated, which will

- assist in potentially attracting future commuted payments and other potential funding sources, including grants, were they to become available.
- 11. There are some land holdings within the area, and the preferred route will be for the Council to reach an agreement with each land owner which would be held on the Land Charges Register. This is considered to be the most cost effective approach balancing the need to protect the Council's investment whilst also being an arrangement that is acceptable to the land owners and will minimise the risk to the project.
- 12. The scheme is funded from two budgets specifically identified for the regeneration of Kirkham town centre. The phase identified is the next logical phase and is influenced by works proposed by LCC. The use of materials is dictated by previous adjoining schemes in the locality.
- 13. Committee may well be aware that in connection with the approval of the development at Mill Farm, Wesham, a commuted payment of £110,000 was agreed. This was specified as being for the future implementation of public realm improvements in Kirkham. Reference was also made in the agreement to potential improvements to Wesham centre. (That payment is now due). It is envisaged that a scheme to utilise this funding contribution will be prepared for future consideration by Committee. The potential implementation of schemes in this regard is likely in the calendar year 2016. The immediate priority, however, relates to the use of the funding already approved by the Borough Council and the County Council as described.

	IMPLICATIONS
Finance	This report summarises the next phase of the Kirkham Town Centre regeneration scheme and requests approval for the commencement of the works in the sum of £85,000 as detailed in this report. In order to finance the works the report requests approval for: - the expenditure of £50,000 from the approved 2015/16 capital programme scheme for Kirkham Town Centre Regeneration, together with - the approval for a fully-funded revenue budget increase in 2015/16 in the sum of £35,000 to be met from the agreed allocation of the High Street innovation Fund monies, that being the sum ear- marked for Kirkham Town Council for the delivery of additional public realm scheme works in Kirkham town centre.
Legal	None directly applicable
Community Safety	None directly applicable
Human Rights and Equalities	The scheme relates directly to enhancements to the public realm would, therefore, benefit and support equality within the community.
Sustainability and Environmental Impact Proposed schemes aimed at enhancing town centre sustainability	

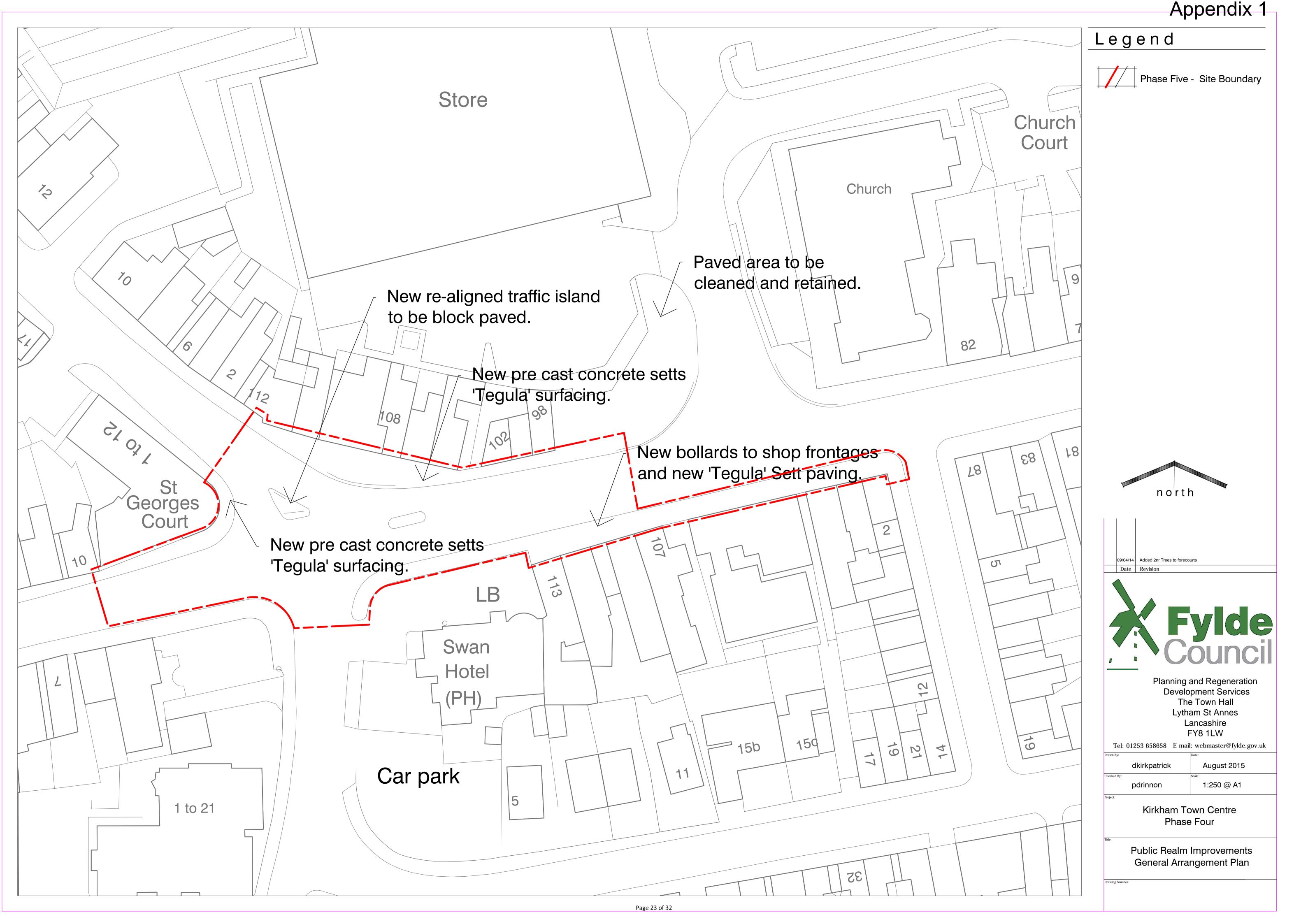
Health & Safety and Risk Management	Matters dealt with by Lancashire County Council in the
Health & Salety and Kisk Management	context of the delivery of the scheme.

LEAD AUTHOR	TEL	DATE	DOC ID
Paul Drinnan	01253 658434	7 th August 2015	

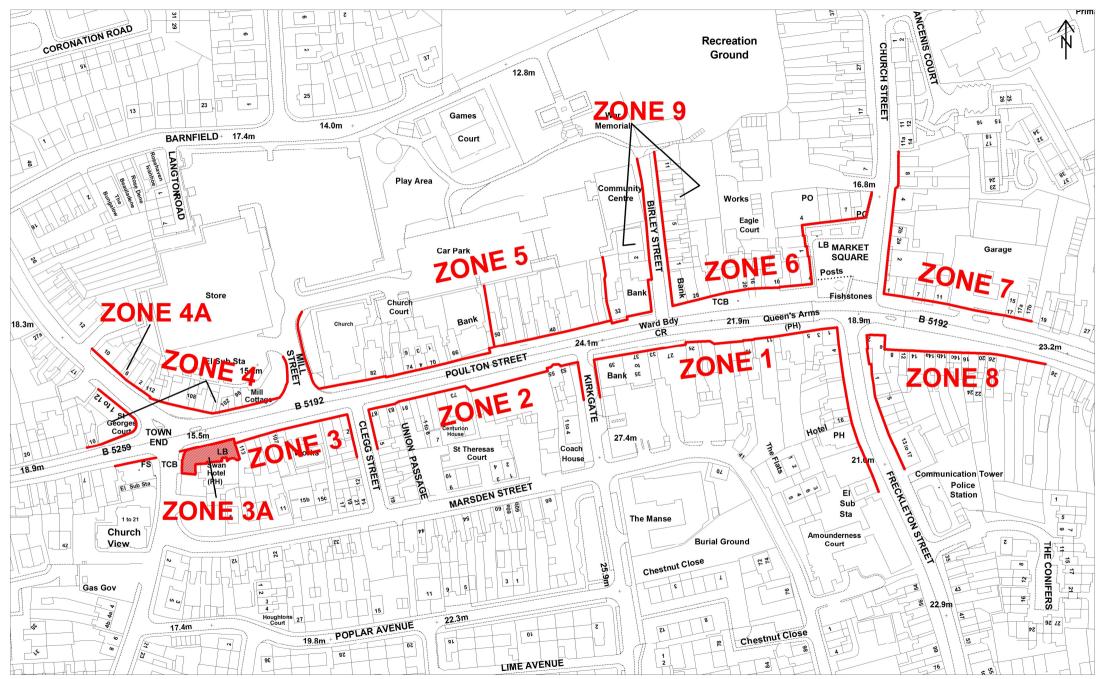
LIST OF BACKGROUND PAPERS			
Regeneration Framework	2010	Town Hall, St Annes or www.fylde.gov.uk	
Report to Cabinet	January 2015	Town Hall, St Annes or www.fylde.gov.uk	

Attached documents

- 1. Plan of improvements associated with this phase of public realm improvements
- 2. Plan of 'Kirkham Town Centre Zones' as amended.



Appendix 2



Scale 1:2000



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM
DEVELOPMENT SERVICES	DEVELOPMENT MANAGEMENT COMMITTEE	20 AUGUST 2015	6

COMMUNITY INFRASTRUCTURE LEVY (CIL); THE PREPARATION OF A DRAFT CHARGING SCHEDULE AND A REGULATION 123 (INFRASTRUCTURE) LIST

PUBLIC ITEM

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

SUMMARY

To inform the Committee of the Community Infrastructure Levy (CIL), the preparation of a Charging Schedule and the drafting of a Regulation 123 (Infrastructure) List for Fylde.

RECOMMENDATIONS

- 1. That Committee approves the preparation and progression of a Community Infrastructure Levy (CIL) through the prescribed consultation stages to adoption.
- 2. That Committee approves the preparation of a Charging Schedule, which will set out the charging rates. The proposed charging rates will be subject to an independent examination, by an examiner from the Planning Inspectorate.
- 3. That Committee approves the drafting of a Regulation 123 list of all of the infrastructure types and projects that it is intended will be or may be, wholly or partly funded by CIL.
- 4. That a further report is prepared and presented to members once the above recommendations are achieved to approve the final proposals.

CORPORATE PRIORITIES			
To Promote the Enhancement of The Natural & Built Environment (Place)	٧	To Encourage Cohesive Communities (People)	٧
To Promote a Thriving Economy (Prosperity)	٧	To Meet Expectations of our Customers (Performance)	٧

SUMMARY OF PREVIOUS DECISIONS

There have been no previous decisions on this item. This report on CIL was presented to the Cabinet on 11th February 2015.

COMMUNITY INFRASTRUCTURE LEVY

- 1. The Community Infrastructure Levy (CIL) is a new charge on some forms of built development; it allows the Charging Authority (i.e. Fylde Council) to levy a charge on owners or developers carrying out built development so that they contribute to the costs of providing the infrastructure needed to support development of the area. It will fund infrastructure projects such as transport, education, leisure and health which will need to be set out in a list known as a Regulation 123 list.
- 2. The levy will be charged at a rate of pounds per square metre, based on the net additional internal floor-space of any given development for uses identified in a charging schedule.
- 3. Although CIL will replace Section 106 (S106) in terms of 'off site matters' associated with new built developments, S106 will still apply particularly in relation to larger schemes to mitigate the impacts of that specific development subject to the following tests:
 - a) Necessary to make the development acceptable
 - b) Directly related to the development
 - c) Fairly and reasonably related in scale and kind to the development

Section 106 will continue to apply to the securing of Affordable Housing.

- 4. In order to progress the CIL rates to adoption the Council will be required to follow a prescribed process. Two stages of consultation will need to take place, commencing with consultation on a Preliminary Draft Charging Schedule; followed by a further consultation in respect of the Draft Charging Schedule. The schedule will then need to be submitted to the Planning Inspectorate for an independent examination of the proposed charging rates. The examiner may make recommendations to modify the charging schedule, which the Council will be bound to act upon to allow adoption of the charging rates. It is a requirement, as set out in DCLG Guidance issued in April 2013, that the decision to adopt the charging schedule is made by the full council of the Charging Authority (i.e. Fylde Council).
- 5. By way of example, the charging rates that have been introduced by the Central Lancashire Authorities (comprising Preston City Council, South Ribble Borough Council and Chorley Council), following an independent examination and modifications recommended by the examiner are set out in the following box. The Charging Schedule was adopted by the Central Lancashire Authorities, with charging commencing from 1st September 2013.

Central Lancashire Authorities Adopted Charging Schedule	
Development	CIL Charge
Dwelling houses (excluding apartments)	£65 per sq. m
Apartments	£0 per sq. m
Convenience retail (excluding neighbourhood convenience stores)	£160 per sq. m
Retail warehouse, retail parks and neighbourhood convenience stores	£40 per sq. m
Community uses	£0 per sq. m
All other uses	£0 per sq. m

6. The adoption of the Charging Schedule by Fylde Council would essentially just be the beginning of the process as the governance arrangements, in terms of collecting and spending CIL would have to be put in place along with such matters as an 'instalments policy'. This is particularly relevant given the introduction of legislation on 25th April 2013 by the Government, which requires 25% of CIL generated in their area to be given over to Parish and Town Councils where a neighbourhood plan is in place and 15% where such a plan is not in existence. The CIL guidance recommends a review of the rates.

SECTION 106 PLANNING OBLIGATIONS ALONGSIDE A CIL REGIME

- 7. The use of Section 106 Planning Obligations alongside a CIL regime, which will become the primary mechanism for securing infrastructure contributions following its adoption are set out below.
- 8. Two of the regulations within the Community Infrastructure Levy Regulations, 2010 are of significant relevance:
 - I. Regulation 122 sets out three statutory tests which all planning obligations under Section 106 must meet if they have been determining factors in the granting of planning permission. The regulation states the obligation must be:
 - a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development.
 - c) Fairly and reasonably related in scale and kind to the development.

- II. As from April 2015, Regulation 123 imposed substantial restrictions on a local planning authority's ability to secure developer contributions for mitigating infrastructure impacts through planning obligations. It is now only possible for a maximum of five planning obligations to be pooled to contribute to any one infrastructure item or infrastructure type.
- 9. Revenue from CIL is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. CIL revenue can be spent by the Council to support any community infrastructure to promote growth, it is not tied to a particular project. Infrastructure is widely defined by Section 216 of the Planning Act, 2008 including:
 - Roads and other transport facilities.
 - Flood defences
 - Schools and other educational facilities
 - Medical facilities
 - Sporting and recreational facilities
 - Open Spaces
- 10. The Planning Practice Guidance states that:

"Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed."

11. Some developments will be liable to both pay CIL and enter into S106 agreement. The CIL payment and S106 obligations, as prescribed above will cover different things, and development will not be charged for the same items of infrastructure through obligations and levy. In order to clarify what types of infrastructure will in future no longer fall under S106, a list under Regulation 123 of the CIL Regulations will need to be compiled by Fylde Council. This is a list of infrastructure types and projects that it is intended will be, or may be wholly or partly funded by CIL. It will be kept up to date and take into account any changes in circumstances and / or infrastructure need identified in the future.

REGULATION 123 LIST

- 12. Following adoption of the Charging Schedule, CIL will become the primary source of infrastructure funding available through development management decisions for the majority of developments.
- 13. Following the adoption of the CIL Charging Schedule, the Council will then need to formally publish on the website, in accordance with Regulation 123, a list of infrastructure projects that it is intended will be, or may be wholly or partly funded by CIL. Regulation 123 prevents the use of planning obligations to fund infrastructure projects or types of infrastructure that will be wholly or partly funded by CIL. The Regulation 123 list is expected to address non site specific infrastructure, including generic transport, highway and cycle schemes; health; education; green infrastructure; and public realm improvements. These infrastructure projects would not, therefore, be funded through S106 Planning Obligations.

PLANNING OBLIGATIONS / SECTION 106 AGREEMENTS

- 14. In circumstances where the Council wants to control the impact of a development, but the desired restrictions go beyond the scope of conditions, it is possible to enter into a legal agreement with the applicant and anyone else who has a legal interest in the land, to secure planning obligations under Section 106 of the Town and Country Planning Act. Section 106 Planning Obligations will only be used in the future in accordance with Regulation 122 of the CIL Regulations in the circumstances set out above.
- 15. Therefore, the types of infrastructure for which planning obligations may typically be sought on sites, will be in accordance with the policies set out in the emerging Single Local Plan for Fylde and will potentially include:
 - Affordable housing
 - On site open space
 - Transport / highways (in a limited set of circumstances)
 - Off site works specifically required to make the development acceptable.

OFF-SITE SECTION 106 AGREEMENTS

- 16. Larger scale major developments typically have larger and more concentrated impacts and so may necessitate site specific infrastructure such as schools, community facilities and junction improvements. In securing such planning obligations on larger sites, the Council will apply the statutory tests and avoid duplication with the CIL.
- 17. There will be the need for access roads to service the individual housing areas / parcels. These access roads will be subject to S106 contributions, as they will be "necessary to make the development acceptable in planning terms". Development of the Strategic Locations for Development, identified in the emerging Single Local Plan for Fylde, will be co-ordinated via masterplans which will establish access roads necessary to make the development acceptable.
- 18. The Council strongly encourages pre-application discussions with regard to planning obligations. This provides an opportunity to discuss and agree how relevant policies may be applied to a particular development and provides the opportunity for early resolution of outstanding issues. Furthermore, as is the case with CIL, this will provide the developer with greater certainty earlier on in the development process regarding the costs that they will have to bear.
- 19. Planning Agreements will normally be drafted by the Council based upon the use of standard agreements, where appropriate, to speed up the preparation of the agreement. Applicants will be required to meet their own and the Council's costs of preparing planning obligation agreements, whether the agreement is subsequently signed or not, including associated legal costs.
- 20. Financial contributions will normally be expected to be paid upon commencement of development as defined in Section 56 of the Town and Country Planning Act, 1990. It is recognised that to support development viability it will not always be practical to do this. In these circumstances, the Council will accept payments by arrangement and at specific stages during the development process, for example upon occupation of an agreed percentage of the dwellings, or other agreed milestone. Trigger dates for the payment of financial contributions will be included in the S106 Agreement, as will any time periods by which the contribution is to be spent or repaid to the applicant.

CONCLUSION

21. The benefits of adopting CIL is set out above, together with the need for a Charging Schedule and a list of the infrastructure requirements (the Regulation 123 List), that are needed over the lifetime of the emerging Local Plan, to the year 2032.

	IMPLICATIONS
	The Community Infrastructure Levy (CIL) will be a new charge and the income generated will be used to contribute to the costs of providing the infrastructure to support development of the area.
Finance	If approved, the rates charged will be set out in a Charging Schedule. A proportion of the income generated is required to be given over to Parish and Town Councils. The systems to ensure that this obligation is fulfilled will be put in place as part of the adoption process.
Legal	The Council has taken into account all relevant legislation and guidance in proposing to adopt the provisions and charging requirements of CIL. This shall reduce the possibility of legal challenge.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
Michael Eastham	(01253) 658695	August 2015	

LIST OF BACKGROUND PAPERS			
Name of document	Date	Where available for inspection	
none			



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	DEVELOPMENT MANAGEMENT COMMITTEE	20 AUGUST 2015	7

FIVE YEAR HOUSING SUPPLY STATEMENT

PUBLIC ITEM

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

SUMMARY OF INFORMATION

Paragraph 47 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify enough deliverable sites to provide five years' worth of housing against their housing requirement.

The Five Year Housing Supply Statement sets out the borough's housing supply position and methodology. The Five Year Housing Supply Statement, base dated 31st March 2015 demonstrates that Fylde has a 4.3 year housing supply set against the housing requirement of 370 dwellings per annum.

SOURCE OF INFORMATION

The planning policy team updated the Five Year Housing Supply Statement, base dated 31st March 2015 and published the supply statement on 30th July 2015.

LINK TO INFORMATION

The Five Year Housing Supply Statement, base dated 31st March 2015 is available at: http://www.fylde.gov.uk/council/planning-policy--local-plan-/five-year-housing-land-supply/

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The methodology used to calculate the supply position has been amended to take latest thinking into consideration, including the interpretation of the NPPF, which is continually tested at various appeals across the country. In consideration of this, the following parameters of the methodology have been amended:

- The supply position is now calculated against the objectively assessed need (OAN) housing figure of 370 dwellings per annum instead of the housing requirement in the now revoked Regional Spatial Strategy.
- The 20% buffer required under paragraph 47 of the NPPF is now only applied to the annual housing requirement and is not applied to the accrued shortfall.
- The build out rates have been amended following the outcome of the Strategic Housing Land

Availability Assessment (SHLAA) Steering Group meeting.

• The housing supply now includes sites where a planning application has been received by this council and the site was allocated in the emerging Local Plan Preferred Options (2013) and following consideration of the consultation comments, the council is continuing to take the site forward in the Local Plan Revised Preferred Options (2015).

FURTHER INFORMATION

Contact Fiona Riley: fiona.riley@fylde.gov.uk or 01253 658419