

John Slater Planning

St Anne's on the Sea Neighbourhood Development Plan

Submission Version

A Report to the Fylde Council on the Examination of the St Anne's on
the Sea Neighbourhood Development Plan

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policies. This Neighbourhood Plan could well be made before the new Local Plan is adopted.

Compliance with European and Human Rights Legislation

The Town Council submitted a screening request as to whether a full Sustainability Appraisal would be required under the EC Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). The initial screening and consultation with the 3 statutory bodies took place in August / September 2014. There was some uncertainty as to whether the plan at that stage would be allocating sites as this was covered by plan options at that stage. The responses were considered and following further discussions the Town Council decided that the plan would be proceeding on the basis that the scenario, which was described in the Issues and Options paper, as “NDP – Lite” rather than a full comprehensive neighbourhood plan. I have to say that I still do not understand the difference. After a further rounds of discussions between Natural England, the Borough Council and the Town Council, the Local Planning Authority was able to conclude that in May 2015 that a full SEA was not required.

In addition, the draft plan has been screened under the Habitat Regulations following a request made on 27th May 2015 and it was confirmed in December 2015 that a full Habitat Regulation Assessment was not required. This view was agreed with by Natural England

There are no human rights issues that arise from the plan and I can confirm that in my opinion there are no conflict with European legislation.

The Neighbourhood Plan: An Overview

A fundamental aspiration of the government policy, as set out in the NPPF, is that the planning system should deliver a significant boost to the supply of housing. The question central to this examination has been, whether the plan will deliver the objectively assessed needs for market and affordable housing. However, that requirement needs not necessarily to be based on the neighbourhood plan area, but rather should be met across the housing market area. During my examination no party was able to advise me what the specific housing requirements was, for St Annes, for the period up to 2031. Fylde Council, in its emerging local plan, is seeking to deliver housing requirement for the whole district, rather than setting individual requirements based upon the housing needs for specific settlements within that district. I can understand that approach, although it may have been helpful had the

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Town Council to conduct its own housing needs assessment to fully understand its requirements when one of its key issues was “meeting housing need, including specialist needs” especially as it sought to restrict the supply of land for housing via various policies.

However, I can see no justification for the statement in the plan “there are sufficient existing small to medium-sized sites within the settlement boundary that can accommodate new housing and meet the reasonable housing requirements of the town”. There seemed a reluctance to accept further housing, based upon the notion that it would put a strain on existing community infrastructure. Equally I am not convinced that the “outward growth and large-scale development will affect the town is contained seaside town” or that “St Anne’s has reached its sustainable spatial limit”. I was not conscious on the occasions when travelling around St Anne’s that it’s obvious quality as a lovely seaside resort, was in any way prejudiced by the number of new residential developments that were taking place or are planned, around the periphery of the town. Reading the Submission Version of the plan I got the sense that the approach was generally to be as resistant as possible to new housing.

At the present time, Fylde Council cannot demonstrate that it has a five-year supply sites and this is a major planning issue facing the district. I am sure that the historic undersupply of housing has been an underlying reason why so much new residential development has been allowed on appeal in the town.

My initial conclusion was that the original remit of the neighbourhood plan was essentially to limit the spatial growth of the town, as an objective in its own right, rather than determine how much land was going to be needed by the Town, to meet its housing requirements. In short the overall approach has been to restrict the amount of land for housing rather than an approach based on identifying what the town’s future needs are to be over the next decade.

That issue has influenced my thinking, both in terms of the questions I raised initially and also the topics which I later asked at the hearing. I fully recognise the importance of providing the spatial buffer, to prevent Blackpool from converging with St Anne’s but that is role ably performed by the Green Belt. Its permanence is one of its underlying features. In making my recommendations on what the revised settlement boundary should be, I recognise that this recommendation will disappoint the Town Council. However, I do not consider it tenable to restrict the supply of housing land, when there is an underlying need to boost housing supply.

I am aware there will be issues regarding the individual sites affected, in terms of access and ecological considerations and their integration with the Queensway development but these do not affect my conclusions as to whether the sites should

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fall inside or outside the settlement boundary, particularly if valued green space is to be retained within the urban area, a policy which has undeniable public support. The planned expansion of the town at its periphery is the only sustainable long term solution. I have to say that without the flexibility of adjusting the settlement boundary, I would not have concluded that the neighbourhood plan would be delivering sustainable development and as such it would have failed the basic conditions test.

Beyond that matter I have to say that I am delighted with the way the Town Council responded to the matters discussed at the public hearing. I do believe that the proposed changes will markedly improve the final version of the plan. I will certainly be recommending making many of the changes the Town Council have suggested. As Examiner I have concentrated upon the wording of the policies which will be used for the determination of planning applications. Some of the changes that I have recommended will require amendments to the supporting text and I will leave that to the qualifying body and the planning department to prepare the necessary text which goes beyond my role as independent examiner.

I must also commend the Town Council on the revision and clarity of its thinking in promoting the concept of St Anne's on the Sea as "a Garden Town by the Sea". This is exactly the type of overarching vision to shape development within the town which neighbourhood planning should be promoting. It is a practical approach and hopefully the excellent companion documents will be adopted by Fylde Council as Supplementary Planning Documents in due course.

One of the legislative requirements that I must consider as part of my examination is whether the policies in the plan relate to the development and use of land. There are a number of instances where proposals in the plan cover matters that more properly fall within the remit of the highway authority rather than the planning authority, such as improvements to bus services and alterations to the roads and pavements. It is entirely proper that the neighbourhood plan makes reference to these matters but they should not form part of the document that constitutes the development plan. Government advice is that they can be in a companion document or clearly indicated as not part of the neighbourhood plan.

My final general comments relate to the way the plan seeks planning obligations and Community Infrastructure Levy payments. There are a large number of policies which call for payments under planning obligations or payments towards specific items under the community infrastructure levy system. Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that any contribution must be necessary to make the development of acceptable in planning terms, be directly related to the development and be fairly and reasonably related to the development.

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Furthermore, pooled obligations are limited to 5 contributions per project. Equally the issue of whether CIL is collected, is not derived from a specific neighbourhood or local plan policy but it is a requirement for payment in consequence of a Council adopting its CIL Charging Scheme. Similarly, the allocation of CIL receipts is a budgetary decision of the spending authority whether it be the Town Council or the Borough Council. It is not a policy for the use and development of land. My usual practice throughout this report will be to recommend the deletion of those elements of the neighbourhood plan policy and rather rely upon the overarching neighbourhood plan policy, DEL1.

The Neighbourhood Plan Policies

Policy GP1: Settlement Boundary

The plan proposes the same settlement boundary as established by the 2003 Local Plan. This was produced at a time when there was a moratorium on new housing development in the borough. Most of the land outside the settlement boundary is Green Belt, which plays a strategic role in maintaining the gap between Blackpool and St Anne's, apart from being small section to the east of Wildings Lane. NPPF advice is that it is only the local plan that can change green belt boundaries. Therefore, the only areas which lie outside the settlement boundaries and the Green Belt, are the site of the former Valentines Kennels, Lytham Moss and the paddocks to the south, which is used for the keeping horses, as well as the land on the west side of Wildings Lane, which appear to now form part of the curtilage of the adjoining residential property. As objections have been submitted to the inclusion of some of the sites, it is appropriate from me to consider whether I should recommend changes to the settlement boundary.

The primary change, from the 2003 Local Plan settlement boundary that the Town Council is proposing, is the inclusion of land at Queensway, the Kensington development, which has been granted outline planning permission.

In terms of the former Valentine Kennels site, I note that planning consent was refused for residential development, earlier this year, but not on the grounds that this site lies outside of the settlement boundary. It is to be surrounded on three sides by the new housing development. The main reason for the Development Management Committee's refusal, [which was contrary to the planning officer's recommendation] was to the principle of access to the site being from Wilding Lane, rather than being fully integrated into the adjoining residential development. Bearing in mind the need to maximise the supply of housing land and the fact that a certain amount of the site

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is previously developed land, they will be a presumption in favour of the residential development in any event. Therefore, it seems this site which, falling outside the Green Belt, could usefully be included within the settlement boundary. I do note the designation of the Kennels site as local green space and I will address that issue at the appropriate juncture. I also note that its designation as a Biological Heritage site was on the basis of there being a breeding colony of tree sparrows but the nesting box scheme no longer has been maintained and their population has accordingly declined. These are matters that need to be fully assessed at development management stage.

I understand that there is a planning application on the land to the south which is used for grazing horses. However, that land will be surrounded on three sides by housing and so its incorporation within the settlement would constitute a logical rounding off.

The final boundary issue which I have to address relates to land at Lytham Moss. Again I heard at the hearing that this land is being promoted for residential development on behalf of the landowner. In terms of the coherence of the settlement boundary, the arguments are just as compelling, as the previously referred to ie that it is the Green Belt boundary that should be the limit of the urban area. It could be argued that the logical urban edge will be the North House Lane to the east and the Green Belt to the north. However equally I am aware that there are ecological issues affecting Lytham Moss, as the land is used for grazing of overwintering birds, in this case the pink footed goose. It is identified as a Biological Heritage Site as well as being part of a wider network of linked sites of ecological importance. That, in itself, is not a reason to exclude it from changes to the settlement boundary and the consideration of any proposal would be required to have regard to the ecological impact on the site and protected species, at any application stage.

In my consideration I am also conscious that at the present time Fylde Council as local planning authority cannot identify a five-year housing supply. I heard evidence at the hearing, that the latest position was that there was a 4.8 year housing supply base-dated to 31st March 2016. Therefore, in accordance with paragraph 49 of the NPPF, policies which affect the supply of housing land, which would include the designation of land as countryside outside the Green Belt, will not be considered up-to-date, even upon the point of the making of the plan. I also have had regard to the role of the green belt is to prevent the unrestricted sprawl of large built-up areas and to prevent neighbouring towns on merging into one another.

Therefore, the incorporation the land identified as Countryside outside the Green Belt, into the settlement boundary would offer the town the flexibility to be able to meet its housing needs over the next 15 years, which are unlikely to diminish, but within the defensible line of the town's Green Belt. That would also be in line with the

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approach advocated in paragraph 52 of the NPPF. This does not mean the presumption in favour of residential development would by necessity override any ethological designation but that will have to be a matter that will be dealt with at the planning application stage.

Therefore, my conclusion is that the settlement boundary should be amended, by the removal of the designation of land as “open countryside outside Green Belt” on the Proposals Map. The settlement boundary should therefore follow the boundary of the Green Belt.

Recommendation

That the land shown as Open Countryside outside the Green Belt be deleted and the land included within the Settlement Boundary on the Proposals Map.

Policy GP 2: Demonstrating viability

This is a useful policy which sets clear criteria for the consideration of planning applications involving the loss of valued facilities. It offers a clear hierarchical approach. My only concern is that market lead housing schemes in retail areas is considered as a last resort. Government policy, as set out in paragraph 23 of the NPPF, recognises that residential development has a role in town centres, alongside retail, leisure, commercial, office, tourism, cultural and community uses. Furthermore, it also recognises that “residential development can play an important role in ensuring the vitality of centres”

I therefore do not consider that discounting residential to the use of last resort is necessarily in line with Secretary of State advice, particularly as there our limited opportunities for new residential development within the borough. This gain affects my consideration of the basic conditions.

This concern can be addressed by the deletion of the paragraph after subsection c). It also requires the deletion of the final sentence in the justification.

Recommendations

Replace the Submission version of the Policy with that shown in Suggested Changes