



Morecambe Town Council

Morecambe Town Hall,
Marine Road
Morecambe
Lancashire
LA4 5AF

www.morecambe.gov.uk



9 February 2024

To: **Members of Morecambe Town Council - Cllr C Ainscough, Cllr J Ainscough, Cllr D Blacow, Cllr D Bottoms, Cllr L Bradbury, Cllr T Clarke, Cllr B Cooper, Cllr F Cooper, Cllr C Cozler, Cllr R Dennison, Cllr W Dixon, Cllr K Gee, Cllr J Goodrich, Cllr J Hanson, Cllr P Hart, Cllr C Kent, Cllr D Knight, Cllr G Knight, Cllr J Livermore, Cllr M Pattison, Cllr J Pilling, Cllr J Rogerson, Cllr J Slater, Cllr M Stenneken, Cllr R Walsh, Cllr D Whitaker.**

Dear Councillor,

Dated this ninth day of February 2024, you are hereby summoned to attend a meeting of Morecambe Town Council to be held at 19:00 on the fifteenth day of February 2024, to transact business listed in the agenda.

The meeting will be held in Morecambe Town Hall, Marine Road East, Morecambe, LA4 5AF to transact business on the agenda.

Note to Councillors:

If you are unable to attend the meeting, please notify the Proper Officer of your apologies.

Note to Public:

Electors of the town wishing to address the Council are advised to notify the Proper Officer before 10am on the day of the meeting. Permission to speak at the meeting will be at the discretion of the Chairman. Public participation session at a meeting shall not require response or debate and shall solely consist of matters relating to items on the agenda. If the representation made is considered outside the remit of Morecambe Town Council, electors will be referred to the principal authority or other appropriate body.

Your sincerely,

Mr Luke Trevaskis, CiLCA, PSLCC.
Chief Executive

Agenda

1. **Apologies** - to receive apologies for absence and consider any reasons for acceptance.
([Local Government Act 1972, Section 85](#))
2. **Declarations** - to record any declared interests relating to the business of the meeting and receive any dispensation requests from the Proper Officer.
([Localism Act 2011, Section 31](#))
3. **Minutes** - to approve the minutes of the last meeting.
([Local Government Act 1972, Section 111](#))

4. **Public Participation** - to receive representations from electors that have requested to speak by 10am regarding a matter on the agenda.

(Morecambe Town Council Standing Orders - Sections 1d-1l)

Note: any electors addressing the Council must not exceed a three minute time limit.

5. **Policies**

To consider and accept the adoption of the below policies, following the recommendation from the Finance and Governance Committee.

- Income and Debt Management Policy
- Investment Strategy

6. **Standing Orders**

To consider and agree the following amends (in red) to the Standing Orders, following an officer recommendation, to reflect current staffing structure.

Section 8 (J) - Proper Officer Duties

*To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
With any requests for an internal review to be processed by a second officer.*

Section 24 - Freedom of Information Act / Data Protection Act / Environmental Information Regulations

- a) All requests for information held by the Council shall be processed.
- b) ~~Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Council.~~ *All requests for information will be processed in line with the Council's Data Protection Policy and any investigations opened by the Information Commissioner shall be reported to members. If Decision Notices are served by the ICO due to an expiration of time, officers should ensure any outstanding responses are provided within the extension of time provided.*
- c) The Proper Officer, *and Finance Officer*, shall take all legal steps to comply with the legislation.

7. **Finance and Governance Committee - Terms of Reference**

To consider and accept the adoption of the additional areas of responsibility (listed below) to the Terms of Reference for the Finance and Governance Committee, as recommended by the Finance and Governance Committee.

- 1) to review the Council's reserves no less than annually providing any recommendations for optimal interest.*
- 2) to monitor and review any council investments, including receipt of quarterly treasury reports on treasury activity.*
- 3) to consider any recommendations identified by the Council's internal and/or external auditor.*
- 4) to receive quarterly reports demonstrating reconciliation of the Council's bank account(s).*
- 5) to receive quarterly reports demonstrating reconciliation of the Council's petty cash account(s).*
- 6) to receive quarterly reports demonstrating reconciliation of the Council's bank card(s).*
- 7) to consider and review the Council's provision for bad debts, approving any write-offs if greater than a value of £500.00 and refer to full council if greater than a value of £5,000.00.*
- 8) to review from time to time the adequacy of the Council's insurance cover, and receive at least once a year a report regarding claims settled and lodged since the last report.*
- 9) to consider periodically reports regarding the Council's compliance with its regulatory requirements (e.g. health and safety, data protection etc).*

8. **Finance**

- i) **Asset Register** - to consider and accept the revisions to the Asset Register (recently reviewed by the Finance and Governance Committee).
- ii) **AGAR 2022-2023** - to note that a transcription error has been identified on the AGAR (Section 2) submitted by the Council for its 2022-2023 audit. Each annual AGAR requires that the prior year's figures be submitted

alongside the current year, and rather than transcribing the 2021-2022 asset register figure, the 2020-2021 asset register figure was included in error. It should be noted that the correct asset register figure for 2021-2022 was submitted at the time of that audit, and the correct asset register figure for 2022-2023 was submitted at the time of that audit. The Council will need to note the transcription error and approve the Chairperson to amend and sign its AGAR to reflect the actual asset register figure for 2021-2022 of £111,956.

- iii) **Budget and Precept 2024-2025** - to note the discussions that took place during the meeting held on 18 January 24, and note that the carry forward balance has since been amended to reflect an additional payment. The new anticipated carry forward balance stands at £123.80 as opposed to £195.70. The Council is asked to ratify the decisions made at the meeting held on 18 January, accepting that the budget for 2024-2025 be set at £1,164,680.00 and the precept be set at £951,384.33.
- iv) **Financial Regulations** - to agree the following amends (in red) to the Finance Regulations, following an officer recommendation, to reflect current practice.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Proper Officer or RFO shall give instruction that a payment shall be made. The RFO and Finance Officer shall have delegated authority to process payments in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable and usually within 30-60 days. This process will require one officer to set up (submit) the payments, and the other officer to release (authorise), at all times ensuring there is a two-step process. Periodically, two members shall undertake an audit to sample test payments, checking invoices for numerical accuracy, correct bank account details, and cross referencing the payment authorisation process. The outcome of such sample tests will be presented periodically to the Finance and Governance Committee.

9. Planning Application - 23/01384/OUT (Land off Powderhouse Lane)

To consider the proposed response to the outline planning application for the erection of up to 200 dwellings and associated infrastructure.

9. Exclusion of the Press and Public

The Council is recommended to pass the following recommendation in relation to the following items:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of that Act.”

10. Response to FOI Request Review - to consider and agree the response to the recent FOI request review.

11. Community Grant Application 2023/24 - 008 - to consider the grant application (deferred from last meeting subject to additional information required) and agree actions.

12. LGBT Out in the Bay - at its meeting held on 7.7.22 (Minute 20426), the Council approved for a grant of £7,000.00 to be awarded to LGBT Out in the Bay for Morecambe Pride. The Council approved a further £3,000.00 to be held against audited losses. To date, no audited losses have been supplied to the Council and the additional £3,000.00 has not been paid. The Council is asked to consider if it wishes for any further action to be taken in relation to this sum. If not, then the applicant will be written to and advised they have until 31 March 2024 to return evidence of audited losses. In the event that audited losses are not received then the applicant must note there will be no further opportunity beyond 31 March 2024 to access this sum.



6 February 2024

OBJECTION

23/01384/OUT (Land off Powderhouse Lane)

Dear Planning Officer,

RE: Planning Application 21/01341/OUT

I am writing to advise Morecambe Town Council, as a statutory consultee, objections to Planning Application 23/01384/OUT in the strongest possible terms.

1. Positioning in the Countryside

The site is designated as Key Urban Landscape (KUL) under Policy DN5 and Open Countryside in the Local Plan.

The Local Plan does not contain an urban area policy. This is confirmed in paragraph 1.5 of the Strategic Policies and Land Allocations document which notes that the policies map identifies where policies apply and what specific uses land is allocated for. It goes on to state that although the Council does not have an urban area policy an urban area boundary is shown on the policies map. The paragraph advises that the boundary is intended to be helpful in delineating the land within the district which is not subject to Open Countryside policy.

It is noted that the supporting planning statement does not consider it possible for the application site to be simultaneously within both the boundary of the urban area and designated as open countryside. It is understood that the site is unequivocally designated as Open Countryside and as such must be determined in this context.

Policy EN3 'Open Countryside' states that any development proposals located within open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management DPD relating to development in the rural area.

Policy SP3 'Development Strategy for Lancaster District' promotes an urban-focussed approach to development with development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The development of land designated as open countryside in the Local Plan is not consistent with the development strategy for the district and is not a location that should support development.

2. Removal of Green Belt Designation & Discussion of Alternative Uses at Public Examination

Prior to the adoption of the new Local Plan the site had been included within the Green Belt. As part of the preparation of the Local Plan, Lancaster City Council undertook a Green Belt Review in 2016. This established the opportunity to re-align the Green Belt boundary in the Torrisholme area to follow a more definable feature, namely the West Coast Mainline and the newly constructed Bay Gateway. The Council stated that following its removal it would be identified as Open Countryside.

The issue of re-aligning the Green Belt in the Torrisholme area was well-explored as part of the Hearing Sessions of the Local Plan Examination. The Inspector's Report supported the amended boundary and noted that its removal did not mean that it would be identified for development purposes and would instead be designated as Key Urban Landscape under Policy EN5 of the Local Plan and as an area of open space and as a Scheduled Ancient Monument due to its recreational and historical importance (paragraph 163 "the land will not be identified for development purposes"). Whilst the Inspector refers to open space it is presumed that the actual designation being referred to was Open Countryside with this being the alternative designation suggested by Lancaster City Council in its Matters Statement for this issue.

This site was also explored as an alternative location for development through the examination process. Whilst developers supported the removal of the site from the Green Belt. The Inspector made clear in paragraph 63 of his report that it was the focus of his report to consider whether the process the Council followed in selecting sites was sound and whether allocations will meet the development requirements. The Inspector did not see it as his role to discuss and conclude on the merits of the other sites as alternatives.

The Inspector concluded that reasonable alternatives had been assessed through the SHELAA and SA and concluded in paragraph 72 that he was satisfied that the reasons for selecting allocated sites and rejecting others was clear and the conclusions reached reasonable. On this basis the site selection process was considered to be robust. It is important to note that this conclusion was reached in the context of an acknowledgment from the City Council that it was unable to meet its Objectively Assessed Housing Need with a lower housing requirement being promoted.

3. Local Landscape Designation

In addition to the Open Countryside designation the site is also allocated as Key Urban Landscape (KUL) in the Local Plan.

The Local Plan identifies two types of local landscape designations: Urban Setting Landscape (USL) and KUL. Both are protected and allocated under Policy EN5 'Local Landscape Designations' of the Strategic Policies and Land Allocations document. The Local Plan landscape designation was informed by specific externally procured professional advice, described below, that was part of the evidence base submitted along with the Local Plan. The designation recognises that identified areas perform a significant role in defining the character of the district with many landscapes providing the setting for significant areas and features that together contribute and define the character of the district. Policy EN5 states that development proposals within these areas will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings.

The Council attaches great importance to maintaining the open nature of both KUL and USL and will look to protect them from inappropriate development which would erode this character.

KULs and USLs are protected under Policy DM46 'Development and Landscape Impact' of the adopted Development Management DPD. This states that the contribution that these areas make to the character and setting of the urban areas of the district will be conserved and important natural features safeguarded, providing particular regard to the historic townscape and built form of the urban areas. The policy goes on to state that within these areas Lancaster City Council will only support development that preserves the open nature of the area and the character and appearance of its surroundings.

The local landscape designation is a well-established local designation in the district. Historically only KUL were identified however through the preparation of the new Local Plan Lancaster City Council recognised the need to sub-divide this local designation to more accurately reflect the varying role that these landscapes provide and to consider new areas for designation. Policy EN5 therefore identifies both KUL and USL.

This area was identified as one of 10 new local landscape designations by landscape consultants Arcadis in their 'Key Urban Landscapes Review' document (May 2018). The report concluded that the site contained strong cultural heritage with distinctive landform and mature well managed landscape features and that it was a landscape which has significant qualities and is distinct in appearance, providing a setting for the adjacent areas. It was scored the highest out of all the new areas assessed and was recommended as KUL.

The Inspector considered that the sites had been subject to a robust landscape assessment with the provisions in Policy EN5 in respect of these designations considered to be necessary and justified. The proposed development would clearly be contrary to the designation of the site as KUL and as such contrary to the adopted Local Plan. It would significantly reduce the extent and function of this valuable local landscape designation at this location.

It is noted that the some evidence will be used to conclude that this part of the KUL designation makes a very limited contribution to the purposes of the KUL, and consequently, that the proposed development will have a negligible adverse effect on the KUL overall on the basis that it will not harm and will beneficially preserve and enhance the open nature of the most important part of the KUL.

Whilst recognising this evidence Morecambe Town Council does not support this view and would consider that any development of the KUL would impact on the integrity of this designation with the whole site providing a valued local landscape which should be protected.

4. Strategic Housing and Employment Land Assessment (SHELAA)

The land is situated in the Parish of Slyne with Hest and the Neighbourhood Plan of that Parish has already identified the land needed for Housing Development under the terms of the City Council's SHELAA and, as such, there is no need for further housing development in that Parish.

The site was submitted as part of a larger site to Lancaster City Council as part of its Strategic Housing and Employment Land Availability Assessment (SHELLA) (LPSA_712). This considered that whilst the site as a possible urban extension was not suitable, small-scale development may be appropriate, particularly at the northern end of the site.

As described in appendix C of the SHELAA 'Post SHELAA Site Assessment Paper' the SHELAA is a policy neutral process concerned only with assessing the deliverability of sites. Only through the Local Plan process having regard to Lancaster City Council's wider evidence base and wider policy considerations can the most appropriate use for sites be determined. Recognising this fact the SHELAA contained a Post SHELAA Site Assessment Paper. This allowed for an additional stage of assessment having regard to alternative allocations. The paper recognised that there were a number of sites, such as this site, which whilst receiving positive consideration in the SHELAA, Lancaster City Council believed that alternative designations would be more appropriate.

In considering this site Lancaster City Council concluded that whilst potentially developable the local landscape designation should be applied. This decision was made having regard to the Council's housing land supply position and wider development strategy for the district. This was supported by the Planning Inspector.

5. Housing Mix

The SHMA and OAN Verification Study identifies a district wide annual imbalance of 376 affordable homes each year. It is this high level of need which the requirement for affordable housing provision within the Local Plan seeks to address. The provision of affordable homes on developer led sites will account for a large percentage of the delivery of affordable housing in the district. Even if the percentages sought within the Local Plan policies are delivered, the shortfall in affordable housing will not be met and will remain significant. It is therefore important to ensure that each site makes an appropriate contribution to meeting the affordable housing need for the whole district.

Policy DM3 'The Delivery of Affordable Housing' sets out the requirement for affordable housing by area and the Wards within these areas are shown at figure 4.1 of the DMDPD. The site is within the Ward of Bolton-with-Slyne which falls within the Rural West area. Policy DM3 is therefore clear that the percentage of affordable homes required at the site is 30%. The applicant aims to provide 15% of the new homes as affordable, but caveats this with the comment that the percentage will be subject to a financial appraisal at reserved matters stage. It is also stated at 6.32 of the Planning Statement that whilst the site may geographically be within the Parish of Slyne with Hest, the application site is physically part of Morecambe. This geography has been used in an aim to justify the provision of only 15% affordable homes. The interpretation/justification provided by the applicant, is incorrect, policy DM3 requires the provision of 30% of the new homes at this site as affordable home. Even if 15% of the homes are provided as affordable, which is unclear at present, the proposed development would not accord with Policy DM3.

6. Flooding

The Land regularly suffers from floods which result from rainfall and inadequate land permeability. The Flood risk assessment accompanying the application clearly understates this risk and as such it must be clear that any measures proposed to ameliorate the risk must be inadequate. The subsequent "run off" to surrounding areas which already flood at times of high rainfall will exacerbate an already existing problem. The flooding of surrounding areas at times of high rainfall clearly indicates the incapability of the local drainage system to cope at times of high stress and, as such, will be wholly incapable of receiving additional "run off" from the proposed development.

7. Heritage

A heritage impact assessment was prepared for this site as part of the Local Plan process. This recognised that the site made a contribution to the setting and significance of designated and non designated heritage assets. This includes Torrisholme Bowl Barrow (Scheduled Monument), Belmont Bridge (Grade II listed), Williamlands Farm (NDHA) and Belmont Farm (NDHA). The main issue related to the impact on the Scheduled Monument.

The assessment went onto conclude that the harm caused to the significance of the Scheduled Monument is considered to be major as it would subsume and surround the asset. Some of the harm could be mitigated through the restriction of development north of Hasty Brow Road and restriction of heights of buildings to 2 storeys. This would reduce some of the visual impact on views of the asset from the east, but views from the asset would still be negatively impacted. Overall, the harm caused by development of the site would not be outweighed by enhancements such as increased interpretation and the mitigation measures are unlikely to reduce the harm on the Scheduled Monument significantly.

Conclusion

The site's location on the edge of the urban area is relatively remote from many services such as schools, employment areas, health facilities. The IHT guidance states that an acceptable distance to schools and work is 1km, to town centres 400m and elsewhere 800m. Reference is made to a local centre which, taking into account the indicative layout of the site, is in excess of 800m from much of the site.

The indicative layout shows that walking and cycling is not prioritised and contrary to the NPPF (paragraph 110) and fails to maximise the opportunities for cycling and walking in accordance with Policy DM60. Although in outline form it would be beneficial to see a revised layout showing how walking and cycling can be prioritised within the site.

The site is designated as Open Countryside and allocated KUL in the recently adopted Local Plan and as such is not somewhere where the council would support development.

Paragraph 11 of the NPPF states that where a local authority is unable to demonstrate a 5 year supply of deliverable housing sites granting planning permission unless i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Local Plan was subject to extensive consultation and is informed by a thorough evidence base; the allocations, including the identification of significant strategic development sites, were concluded through a robust Examination process. The achievement of planning consent for proposals on sites that were specifically precluded for development purposes by such as recently adopted plan would undermine confidence in the forward planning process. 6 It is therefore considered by Morecambe Town Council that the scheme should be refused due to the significant harm identified.

Yours sincerely,

Mr Luke Trevaskis
Proper Officer
Morecambe Town Council