



# MINUTES

## Planning Committee

<b>Date:</b>	Wednesday, 27 April 2022
<b>Venue:</b>	Town Hall, St Annes.
<b>Committee Members Present:</b>	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman) Councillors Tim Armit, Alan Clayton, Gavin Harrison, Angela Jacques, Kiran Mulholland, Jayne Nixon, Liz Oades, Heather Speak, Ray Thomas, Stan Trudgill.
<b>Officers Present:</b>	Mark Evans, Andrew Stell, Clare Lord, Rob Buffham, Matthew Taylor, Lyndsey Lacey-Simone.
<b>Members of the Public:</b>	One Member of the public attended the meeting.

### Public Speakers

There were no speakers.

### Procedural Items

#### 1. Declarations of Interest

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

#### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Planning Committee meeting held on 30 March 2022 as a correct record for signature by the Chairman.

#### 3. Substitute Members

The following substitutions were reported under Council Procedure Rule 24:

Councillor Alan Clayton substituted for Councillor Linda Nulty.

Councillor Angela Jacques substituted for Councillor David O'Rourke.

### Decision Items

#### 4. Planning Matters

The Committee considered the report of Mark Evans (Head of Planning) which set out the various planning applications.

Following detailed consideration of each application, it was RESOLVED to decide the applications as stated in the schedule attached.

## 5. Elswick Village Green

Mark Evans (Head of Planning) was invited to introduce the report. In doing so, he advised that in 2020/21 Council approved a capital programme bid to assist Elswick Parish Council in creating a new village green. The works, which proposed a new pond, contouring work, the formation of new pathways, together with tree planting and soft landscaping, were to be financed from a range of funding sources including a contribution of £25,000 from Fylde Council's capital programme and £35,000 from payments secured through Section 106 agreements received to improve the public realm in the village.

He advised that works had been delayed for several reasons and the funds had been slipped into subsequent years' programmes. However, the Parish Council had recently commenced work on the project and were now seeking to draw down the Council's agreed contribution to the project.

As the project is being financed from a range of funding sources and the fact that the Parish Council are taking responsibility for the delivery of the project (overseen and assisted by Fylde Council Officers), it was considered that the funds should be transferred to the Parish Council rather than invoices being paid on an individual basis by Fylde Council. As with similar arrangements used elsewhere in the borough, a legal agreement would be entered into between the two councils to ensure the funds are spent in a timely manner and on the agreed project.

Mr Evans provided an update at the meeting on the other funding elements and approved overall costs of the project.

Following consideration of this matter, it was RESOLVED: That, subject to the Parish Council entering into a legally binding agreement to return the funding should it not be utilised in accordance with the agreed terms, Committee authorise transfer of £60,000 (£35,000 funded from Sn 106 monies held to improve the public realm in Elswick Village and £25,000 from the approved capital programme) to Elswick Parish Council for use in the formation of a new village green in Elswick village in line with the details approved under planning permission 20/0390.

## Information Items

The following information item was received and noted by the Committee.

## 6. List of Appeals Decided

This information report provided details of appeal decision letters that had received between 19<sup>th</sup> March and 15<sup>th</sup> April 2022.

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### Item Number 1

<b>Application No:</b>	21/1078	<b>Application Type:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Dodd	<b>Agent:</b>	MCK Associates Limited
<b>Location:</b>	29 STATION ROAD, KIRKHAM, PRESTON, PR4 2HA		
<b>Proposal:</b>	ERECTION OF THREE STOREY BUILDING PROVIDING 16 NO. X 1 BED RESIDENTIAL FLATS FOLLOWING DEMOLITION OF EXISTING BUILDINGS		
<b>Ward:</b>	Kirkham North	<b>Parish:</b>	Kirkham

### Decision

The decision to GRANT Planning Permission is delegated to the Head of Planning, with that decision being subject to:

- 1) The receipt of the outstanding bat emergence report, the consideration of its findings by the council's ecological consultant, and the incorporation into the scheme of any mitigation that is required to ensure that the development will not lead to any negative impact on bats or any other protected species.
- 2) The completion of a Section 106 agreement which is to secure:
  - provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032.
  - a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the FLPPR.
  - a financial contribution of £5,222 (and the phasing of the payment of this contribution) towards new health care infrastructure in accordance with the requirements of Policy HW1, INF1 and INF2 of the FLPPR.
  - a financial contribution of £900 (and the phasing of the payment of this contribution) towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010.

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

- 3) and a schedule of appropriate conditions. These conditions are to be based on the following suggestions, with the Head of Planning having the authority to add, delete or amend these as necessary to respond to matters that arise prior to the decision being issued:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. This permission relates to the following plans:

- Location Plan drawing reference: 20-108 1000
- Proposed site plan drawing reference: 20-108 1003 rev C
- Proposed floor plan drawing reference: 20-108 1003 rev C
- Proposed elevations drawing reference: 20-108 1004 rev C

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

3. Notwithstanding the submitted details, prior to any works above slab level, confirmation of the external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in construction of the development.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

4. Prior to commencement of the development hereby approved, finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in complete accordance with the approved finished floor levels.

Reason: In order to ensure a satisfactory relationship between the proposed development and its surroundings (including buildings and the street scene), in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to any works above slab level, confirmation of the boundary treatments for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in complete accordance with the approved boundary treatments, with these boundary treatments erected in accordance with the approved plans and retained as such thereafter.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before any of the dwellings hereby approved are first occupied a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating partial review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the hierarchy of drainage options contained in the Planning Practice Guidance and, where relevant, shall demonstrate compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall include:
  - a) Separate systems for the disposal of foul and surface water.
  - b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
  - c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
  - d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
  - e) Flood water exceedance routes, both on and off site.
  - f) Details of water quality controls, where applicable.
  - g) A timetable for implementation, including phasing as applicable.
  - h) Details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker

The duly approved scheme shall be implemented before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

8. Prior to occupation of the development hereby approved, a Surface Water Verification Report and Operation and Maintenance Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition to this planning permission (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

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Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that agreed surface water design is implemented so that the development is not at risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.

9. Prior to occupation of the development hereby approved, bat roosting boxes and bird nesting boxes shall be provided within the development in accordance with Figure 3 (Plan to Show Ecological Protection and Enhancement) of the submitted Ecological Survey and Assessment (ERAP, ref: 2021-243, November 2021).

Reason: To ensure that the development does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

10. The below highway improvement works shall be implemented in full before any of the dwellings hereby approved are first occupied:

Tactile paving at the following locations:

- a) South east of the development across the vehicular access for the car park of St Georges Place (1-12 Station Road).
- b) North of the development across the access for the leisure centre (YMCA Rural Splash Pool & Gym).
- c) North west of the development across the junction of Mellor Road and Station Road.

Provision of Quality Bus Stop Kerbing at:

- d) One bus stop on the north bound carriageway of Station Road outside of Kirkham Library.
- e) One bus stop on the south bound carriageway of station Road approximately 170m from the development.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure in order to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

11. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) Hours of work for site preparation, delivery of materials and construction;
- b) Arrangements for the parking of vehicles for site operatives, contractors and other visitors;

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- c) Details of areas designated for the loading, unloading and storage of plant and materials;
- d) Arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- e) Times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) Measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- g) Measures to control the emission of dust and dirt during construction;
- h) A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

The development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

12. The bicycle parking spaces as identified on the proposed Site Plan (Drawing ref: 20-108 1003 rev D) shall be constructed and made available for use prior to first occupation of the development and shall be retained as such thereafter.

Reason: To promote modal shift and to encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Fylde Local Plan to 2032 (Incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

13. If, during development, contamination is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and archaeological sites and ancient monuments.
- c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings on the affected part(s) of the site are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD9 and the National Planning Policy Framework.

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14. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the following fenestration shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the extensions hereby approved are first occupied:

- The first floor lounge window of flat 12 as annotated on drawing number: 20-108 1003 rev C.
- The second floor lounge window of flat 16 as annotated on drawing number: 20-108 1003 rev C.
- The two second floor lounge windows of flat 14 as annotated on drawing number: 20-108 1003 rev C.

The duly installed obscured glazing shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between future occupiers of the approved dwellings and existing properties in order to ensure a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

### **Informative(s)**

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

- a) Actively engaging in pre-application discussions with the applicant to try and find solutions to problems.
- b) Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions.
- c) Securing revised plans during the course of the application which have overcome initial problems.



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### Item Number 2

<b>Application No:</b>	22/0022	<b>Application Type:</b>	Full Planning Permission
<b>Applicant:</b>	MR BUX	<b>Agent:</b>	Mrs Lawrenson
<b>Location:</b>	LAND SOUTH OF CHURCH LANE, NEWTON WITH CLIFTON, PR4 0ZE		
<b>Proposal:</b>	ERECTION OF AGRICULTURAL STORAGE/LIVESTOCK BUILDING INCLUDING ASSOCIATED HARDSTANDING		
<b>Ward:</b>	Newton with Treales	<b>Parish:</b>	Newton with Clifton

### Decision

Granted

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Location Plan - Stanfords VectorMap Drawing
- Proposed Site Plan, Building Plan and Elevations - Drawing no. ML/SB/6005

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the approved building shall only be used for agricultural purposes. In the event that the need for the building to be used for agricultural purposes within the unit edged in blue on the site plan listed in condition 2 of this permission ceases, then the building shall be removed from the site and the land restored to its previous agricultural grazing land state within a period of no more than 12 months from the date that the agricultural use first ceases.

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Reason: To ensure that the future use of the building is limited to the use which justifies its erection, and that the building is to be removed should that use cease in order to preserve the open rural character of the countryside within which it is sited in accordance with Policy GD4 of the Fylde Local Plan to 2032.

5. The development shall be carried out in full accordance with the recommendations detailed within the Great Crested Newt Scoping Survey produced by Envirotech NW Ltd, dated 15 December 2021.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

6. Before the building hereby approved is brought into first use one bird nesting box and one bat roosting box shall be installed on the exterior of the building at eaves height or higher. Once installed these biodiversity measures shall be retained thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

### **Informative(s)**

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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### Item Number 3

<b>Application No:</b>	22/0094	<b>Application Type:</b>	Variation of Condition
<b>Applicant:</b>	Mr P Shuttleworth	<b>Agent:</b>	Mr P Shuttleworth
<b>Location:</b>	6 GRASMERE ROAD LYTHAM ST ANNES FY8 2HZ		
<b>Proposal:</b>	REMOVAL OF CONDITION 4 OF PLANNING PERMISSION 15/0479 TO PERMIT RESIDENTIAL ANNEXE TO BE OCCUPIED AS INDEPENDENT RESIDENTIAL DWELLING		
<b>Ward:</b>	St Johns	<b>Parish:</b>	St Anne's on the Sea

### Decision

Granted

1. This permission relates to the following plans:

- Location Plan - Scale 1:1250
- Site Plan - Received 28/2/22 Scale 1:200
- Site Plan showing highway measurements and surface materials - Received 7/4/22 Scale 1:200

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

2. The private vehicle parking and manoeuvring areas for each dwelling shall be constructed and made available for use in accordance with the details (including their surface treatment) shown on the drawing listed in condition 1 of this permission before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking and manoeuvring of vehicles.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.

### Informative(s)

1. Highway Note regarding access point

This planning permission relates to the use of the existing vehicle access point to Grasmere Road only. Any use of the gravelled front garden area to No. 6 will require a separate agreement with the local highway authority with regards appropriate alteration to the footway and kerb. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design,

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procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before works to create any dropped crossing begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) (search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation").

2. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

### Item Number 4

<b>Application No:</b>	22/0124	<b>Application Type:</b>	Full Planning Permission
<b>Applicant:</b>	Mrs Denise McDonnell	<b>Agent:</b>	Mr David Hadwin
<b>Location:</b>	36 STAINING RISE STAINING BLACKPOOL FY3 0BU		
<b>Proposal:</b>	CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO A HOME FOR UP TO 2 YOUNG PEOPLE (BETWEEN THE AGES OF 8 AND 17) WITH CARE PROVIDED BY NON-RESIDENT CARERS WORKING IN SHIFTS (USE CLASS C2)		
<b>Ward:</b>	Staining and Weeton	<b>Parish:</b>	Staining

### Decision

Granted

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Location Plan - Mapserve produced on 4th Feb 2022
- Proposed Elevations, Floor Plans & Site Plan - Drawing no. A022/007/P/01 Rev A

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

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3. The use hereby approved shall at all times operate in accordance with the Management Plan recorded as received by the Council on 1 March 2022.

Reason: In the interests of the residential amenity of the local area and to avoid undue pressure on local on-street parking provision in accordance with the provisions of Fylde Local Plan to 2032 incorporating Partial Review policies GD7 and T5, and the National Planning Policy Framework.

4. Prior to the commencement of the use hereby approved, the 3 car parking spaces indicated on drawing A022/007/P/01 Rev A shall be made available for use, and shall be remain available for the parking of vehicles at all times that the proposed use is undertaken at the property.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 incorporating Partial Review policies GD7 and T5, and the National Planning Policy Framework.

5. The accommodation shall be used as a children's home within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose, including any other use with in use Class C2 and specifically shall not be used as supported living accommodation for 16 – 18 year olds.

Reason: To ensure that the future use of the premises is limited to one which can be carried out in any residential area without detriment to the amenity of that area in order that it remains compatible with and does not have any adverse amenity impacts upon the occupiers of nearby dwellings; to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; and to preserve the vitality and viability of neighbouring centres by preventing the building being changed to a main town centre use without the application of the sequential test in accordance with the requirements of policies GD7, EC5 and T5 of the Fylde Local Plan to 2032 incorporating Partial Review, and the National Planning Policy Framework.

### **Informative(s)**

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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### Item Number 5

<b>Application No:</b>	22/0222	<b>Application Type:</b>	Full Planning Permission
<b>Applicant:</b>	Fylde Borough Council	<b>Agent:</b>	Mrs Laura Foster
<b>Location:</b>	FAIRHAVEN LAKE PAVILLION INNER PROMENADE LYTHAM ST ANNES LANCASHIRE FY8 1EA		
<b>Proposal:</b>	CHANGE OF USE OF BUILDING FROM STORAGE (USE CLASS B8) TO RETAIL KIOSK FOR SALE OF FOOD AND DRINK (USE CLASS E (A)) INCLUDING INSTALLATION OF TWO SERVING HATCHES TO SOUTH FACING ELEVATION		
<b>Ward:</b>	Fairhaven	<b>Parish:</b>	

### Decision

Granted

### Conditions

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Drawing no. 22-01 PL01 – Location plan.
- Drawing no. 22-01 PL03 Rev A – Proposed layout plan and elevations.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 (incorporating Partial Review) and National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials (including their colour treatments and finishes) detailed on the approved plans listed in condition 2 of this permission and described in the application form and document titled "Heritage Statement" dated 08.03.2022.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV5 and GD7, and the National Planning Policy Framework.

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4. The retail kiosk hereby permitted shall only be open for trade or business between the hours of 09:00 and 20:00 on any day.

Reason: To limit the potential for noise generation at times when surrounding occupiers would reasonably expect to be undisturbed and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

5. The retail kiosk hereby permitted shall only be used for the display and sale of food and drink. No other types of goods shall be displayed or sold from the premises.

Reason: To restrict the display and sale of goods to those associated with a customer base and bespoke retail offer which is intrinsically linked to the site's location within the visitor attraction of Fairhaven Lake and Gardens in order to safeguard the vitality and viability of town centres by minimising the potential for the diversion of trade away from those centres in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy EC5 and the National Planning Policy Framework.

6. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order revoking and re-enacting that Order with or without modification, the retail kiosk hereby permitted shall only be used for purposes which fall within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument amending or replacing that Order.

Reason: To ensure that the future use of the premises is limited to one which is intrinsically linked to the site's location within the visitor attraction of Fairhaven Lake and Gardens and is intended to serve the customer base arising from that attraction in order to safeguard the vitality and viability of town centres by minimising the potential for the diversion of trade away from those centres in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy EC5 and the National Planning Policy Framework.

### Informative(s)

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Food Safety:

The applicant/operator is advised to contact the Council's Food Safety Team ([commercialteam@fylde.gov.uk](mailto:commercialteam@fylde.gov.uk)) to ensure compliance with Food Hygiene legislation as there will likely be implications for internal layout, construction and design that could affect a food hygiene rating awarded.