



# MINUTES

## Planning Committee

<b>Date:</b>	Wednesday, 31 March 2021
<b>Venue:</b>	Remote Meeting Via Zoom.
<b>Committee Members Present:</b>	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)  Councillors Tim Armit, Chris Dixon, Noreen Griffiths, Kiran Mulholland, Jayne Nixon, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.
<b>Officers Present:</b>	Ian Curtis, Andrew Stell, Matthew Taylor, Clare Lord, Lyndsey Lacey-Simone.
<b>Members of the Public:</b>	14 members of the public attended the meeting.

### Procedural Items

#### Public Speaking at the Planning Committee

The Vice-Chairman, Councillor Richard Redcliffe invited those members of the public who had registered to speak on individual planning applications (listed on the schedule) to address the committee at the relevant part of the meeting.

#### 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 Declarations of Interest.

#### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Planning Committee meeting held on 10 March 2021 as a correct record for signature by the Chairman.

#### 3. Substitute Members

The following substitution was reported under Council Procedure Rule 24:

Councillor Noreen Griffiths for Councillor Linda Nulty.

### Decision Items

#### 4. Planning Matters

The Committee considered the report of Mark Evans (Head of Planning and Housing) which set out the various planning applications. A copy of the Late Observation Schedule was circulated prior to the meeting.

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

Information Items

5. List of Appeals Decided

This Information Report provided details of appeal decision letters received between 19 February to 19 March 2021.

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# Planning Committee Minutes

## 31 March 2021

Item Number: 1

<b>Application Reference:</b>	20/0887	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Jim Brew	<b>Agent :</b>	Carter-Zub Building Consultancy LTD
<b>Location:</b>	13b QUEEN STREET, LYTHAM ST ANNES, FY8 5LQ		
<b>Proposal:</b>	CHANGE OF USE FROM A WORKSHOP (USE CLASS E) TO A MIXED-USE INVOLVING A MICRO-BREWERY, A DRINKING ESTABLISHMENT (TAP ROOM) AND A TAILORS TOGETHER WITH EXTERNAL ALTERATIONS TO THE APPEARANCE OF THE BUILDING THROUGH ADDITIONAL WINDOWS, CURTAIN GLAZING AND REPLACEMENT WINDOWS.		

### Decision

Full Planning Permission :- Refused

### Conditions and Reasons

- Whilst the application building is located in the defined town centre where retail and some commercial uses are supported, it has an enclosed and confined backland location with residential premises alongside it in the form of the Homestead residential accommodation on Henry Street, Garden Cottage on Green Street, and various flats above premises to Queen Street and Market Square. The occupiers of these will inevitably suffer increased harm to their residential amenity as a consequence of the proposed establishment of a brewery and associated drinking establishment in such close proximity.

This harm will be generated by the noise from increased level of activity associated with these uses, the noise and odours associated with the brewery, the noise associated with the drinking establishment, and the loss of privacy to some properties from the internal and external use of the building. Collectively and individually these impacts will be unduly harmful to the residential amenity of the occupiers of these properties, and cannot be reasonably mitigated by the imposition of conditions or other measures.

As a consequence the proposal would be contrary to the Policy EC5 of the Fylde Local Plan to 2032 which requires that uses do not create unacceptable disturbances to residents, to criteria c) and h) of Policy GD7 of the Fylde Local Plan to 2032 relating to residential amenity, and the aims of the National Planning Policy Framework in particular paragraphs 127 and 180.
- The application proposes alterations to the external facade of a building within the Lytham Town Centre Conservation Area, primarily through the introduction of new and replacement windows. These alterations are to be undertaken using upvc and aluminium and are considered to create a design and use of materials that are unsympathetic to the building and which will detract from its appearance and the contribution it makes to the Conservation Area.

As these works fails to preserve or enhance the character and appearance of the conservation area, they are contrary to that requirement of Policy ENV5, criteria d), f), h) and i) of Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework in particular paragraphs 127, 130, 192 and 196.

**Informative notes:****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 actively engaging in pre-application discussions with the applicant to try and find solutions to problems.

**Item Number: 2**

<b>Application Reference:</b>	20/0921	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Harrison	<b>Agent :</b>	
<b>Location:</b>	EAST END BOWLING GREEN, LORNE STREET, LYTHAM ST ANNES		
<b>Proposal:</b>	FREE STANDING CANOPY TO THE FRONT ELEVATION OF THE EXISTING CLUB HOUSE		

**Decision**

Full Planning Permission :- Granted

**Conditions and Reasons**

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.

2. This permission relates to the following plans:

- Location Plan - Drawing no. UK Planning Maps produced on 04 December 2020
- Proposed floor Plans - Drawing no.SK1A
- Proposed Elevations - Drawing no. SK2B

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 development shall be constructed in accordance with the materials detailed on the application form and / or approved plans listed in condition 2 to this planning

permission.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

**Informative notes:**

1. The applicant should be aware that the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the National Customer Contact Centre on 03708 506 06 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk).

2. **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 providing advice to the applicant/agent during the course of the application on potential problems and possible solutions

**Item Number:** 3

<b>Application Reference:</b>	21/0059	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Mr S Tickle	<b>Agent :</b>	
<b>Location:</b>	FOUNDRY YARD, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 17/0471 FOR ALTERATIONS TO DWELLING ON PLOT 12 INCLUDING: 1) REMOVAL OF REAR DORMER WINDOW; 2) ADDITION OF FRONT PORCH; AND 3) ADDITION OF SINGLE STOREY REAR EXTENSION		

## Decision

Variation of Condition :- Granted

## Conditions and Reasons

1. This permission relates to the following plans:

- Location Plan - ADS Design Job 1350 drawing 1 rev c
- Proposed site layout - ADS Design Job 1388 drawing 51 rev o
- Proposed floor plans and elevations - ADS Design Job 1388 drawing 57 rev e

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 dwelling hereby approved on Plot 12 shall be constructed in Hampton Rural Blend' brick with 'Marshalls PM86' colour mortar, Lakeland Slate Devenish roof covering, together with the use of Parex 'Off white G20' render as approved under Discharge of Conditions application no. 18/0035, relating to the approval of the finished materials of the development as required by conditions to planning permission 17/0471 relating to the rest of the development.

Reason: To ensure a satisfactory and consistent finished appearance to the dwelling that reflects the character and appearance of the remainder of the Foundry court development in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

3. The surface water drainage of the site shall be carried out in accordance with that indicated on drawing no. C-50 REV. A and approved under Discharge of Conditions application no. 18/0035, relating to the approval of the surface water drainage of the development as required by conditions to planning permission 17/0471 relating to the rest of the development.

Reason: To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site. In accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. The foul water drainage of the site shall be carried out in accordance with that indicated on drawing no. C-50 REV. A and approved under Discharge of Conditions application no. 18/0035 relating to the approval of the foul water drainage of the development as required by conditions to planning permission 17/0471 relating to the rest of the development. .

Reason: To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site. In accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

5. The development hereby approved shall be carried out in accordance with the Construction Management Plan approved under application no. 18/0035 (Discharge of Conditions application).

Reason: To ensure that the development is implemented whilst minimising the opportunities for safety and nuisance issues to be caused to neighbouring dwellings and the wider highway network in accordance with Policy GD7 of the Fylde Local Plan to 2032.

6. Prior to the first occupation of the dwelling hereby approved the northern (rear) and western (side) boundary of the site edged red shall be secured through the erection of a 1.8m high timber fence, with the southern (front) boundary remaining open, and the side (eastern) boundary retaining the existing brick wall with fence panel detail to the extent and location shown on plan '20-0059 Wall 1' only. These respective boundary treatments shall be retained in place at all times thereafter.

Reason: To provide security to the property without compromising the overall character and appearance of the Foundry Court development and to provide consistent approach to boundary treatments across the site in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. No later than the conclusion of the first planting season following the first occupation of the dwelling hereby approved on Plot 12, the following tree planting works shall have been undertaken:

- a replacement Sycamore (*Acer pseudoplatanus*) of a heavy standard with a girth of 12-14 cm and a height of at least 3.5m- 4m which shall be planted in a similar location to replace the tree protected under TPO 1989 No. 5 within the site
- the 5 trees indicated for the plot on drawing ADS001 as approved under condition discharge application 18/0035 to planning permission 17/0471 which are of the species and size listed in T17 to that drawing

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.

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 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

**Informative notes:****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.

**Item Number: 4**

<b>Application Reference:</b>	21/0103	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Fairhaven Cafe Ltd	<b>Agent :</b>	Warwick Consultancy
<b>Location:</b>	CAFE, FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BD		
<b>Proposal:</b>	REMOVAL OF EXISTING RAISED PLANTING BED AND ERECTION OF FREESTANDING, OPEN-SIDED CANOPY FOR USE AS OUTDOOR DINING AREA IN CONNECTION WITH CAFE, INCLUDING ASSOCIATED HARD AND SOFT LANDSCAPING WORKS		

**Decision**

Full Planning Permission :- Granted

**Conditions and Reasons**

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. D426/P01 – Location plan.  
Drawing no. D426/P05 – Proposed site plan.  
Drawing no. D426/P06 – Proposed floor and roof plan.  
Drawing no. D426/P07 – Proposed 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 and National Planning Policy Framework.

3. No above ground works of development shall take place until samples or full details of all materials to be used: i) on the external surfaces of the canopy; and ii) in the construction of the pathway between the café building and the canopy (the extent of which is identified on drawing no. D426/P05), have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.



Reason: To ensure the use of appropriate materials which are sympathetic to the character of neighbouring buildings (including non-designated heritage assets) and the surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies ENV5 and GD7, and the National Planning Policy Framework.

4. Before the development hereby approved is first brought into use a soft landscaping scheme for the planting bed bordering the eastern and southern elevations of the canopy (the extent of which is identified on drawing no. D426/P05) 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 first brought into use 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.

Reason: To ensure appropriate landscaping of the site in order to soften the visual impact of the development, to enhance the canopy's setting and to compensate for the loss of existing soft landscaped areas within the site arising from the development in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV5, and the National Planning Policy Framework.

#### **Informative notes:**

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. **Gas pipelines:**

Cadent Gas has a low-medium pressure (below 2 bar) gas pipe and associated equipment in close proximity to the proposed development (within the strip of land to the north of the proposed canopy). As a result, it is highly likely that there are gas services and associated apparatus in the vicinity. Before commencing the development the applicant is advised to:

- Carefully read the guidance document 'Excavating Safely - Avoiding injury when working near gas pipes' and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves).
- Ensure that all persons, including direct labour and contractors, working on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works via: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or 0800 688588.