

Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 7 July 2021 in the Council Chamber, Civic Centre, Poulton-le-Fylde

Planning Committee members present:

Councillors Moon, Ballard, I Amos, R Amos, Lady D Atkins, Ingham, Le Marinel, Orme, Stirzaker, D Walmsley and O'Neill

Apologies for absence:

Councillors Catterall, Holden and Raynor

Other councillors present:

Councillors Henderson (left after Item 5A), Fail (left after Item 5B) and Robinson (left after item 5A)

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer
Marianne Unwin, Democratic Services Officer
Lyndsey Hayes, Planning Development Manager
David Thow, Head of Planning Services
Carmel White, Solicitor

Three members of the public or press attended the meeting.

PA.9 Declarations of interest

None.

PA.10 Confirmation of minutes

The minutes of the Planning Committee meeting held on 2 June 2021 was **approved** as a correct record.

PA.11 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 May 2021 – 15 June 2021, as set out on pages 3-34 of the agenda pack. The Head of Planning Services, David Thow, emphasised to the committee that the second appeal, application number 20/00196/FENCE, was an enforcement appeal, and that the Enforcement notice had been upheld,

although the Inspector had varied the notice to extend the period within which the work had to be carried out. Any member requiring any further details or clarification on any appeal should contact the relevant Case Officer.

PA.12 Planning applications

PA.13 Application A - Land Off Stricklands Lane Stalmine Lancashire (20/01175/FULMAJ)

The application was brought to the committee for determination for a second time, having been deferred at the Planning Committee meeting on 7 April 2021. The application before the committee at this meeting contained revised plans based on concerns raised by members on the scale and massing of Care Home Block A at the previous meeting.

A site visit occurred on the 7 April 2021 when the application first came to committee.

An update sheet with additional information was published on the council's website, this information only having become available after the original agenda was published. The committee considered the update sheet, which contained further consultation responses as well as additional objections received. The Planning Development Manager, Lyndsey Hayes, noted to the committee that the update sheet stated that two further objections had been received, when this was in fact six.

Peter Swarbrick, Vice-Chair of the Stalmine with Staynall Residents Association spoke in objection to the application.

Councillor Alan Morton, on behalf of Stalmine Parish Council, spoke in objection to this application.

Councillor Julie Robinson, Wyre Borough Ward Councillor for Hambleton and Stalmine Division, spoke in objection to the application.

Councillor John Shedwick, Lancashire County Councillor for Thornton and Hambleton Division, spoke in objection to the application.

Paul Sedgwick spoke on behalf of the applicant in support of the application.

Members expressed disappointment over the lack of material changes to the application, noting the changes to Block A and Block B made no change and were merely a swap. Concerns were also expressed about a lack of parking, outdoor space, public transport and a possibility of overspill into an already busy and dangerous road. It was also highlighted that the application was not in keeping with the character of the area.

Following from further comments made by the Head of Planning Services, the officer recommendations to grant planning permission was put to a vote and lost.

It was then proposed by Councillor Le Marinel, seconded by Councillor Orme, and a decision was taken that the application be **refused** contrary to the recommendation under the provisions for the Town and County Planning Act 1990, for the following reason:

The proposal, by reason of the scale and massing and height of the buildings, would be out of keeping with the street scene character of this rural village location, resulting in an unacceptable impact on visual amenity. This would be contrary to policies SP2, CDMP3 and SA1/7 of the Wyre Local Plan (2011-31) and the NPPF.

The committee also asked that it be noted that they were unhappy about the impact on road safety, and that this issue had been brought up at the previous meeting on the 7 April 2021.

**PA.14 Application B - 29-31 Coronation Road Thornton Cleveleys Lancashire
FY5 1DQ (20/01070/OUTMAJ)**

The application was brought to the committee as a resubmission of a previous application for determination at the request of Councillor Fail.

A site visit took place to enable councillors to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

John Barrett, on behalf of a local resident, spoke in objection to the application.

Councillor Fail, Wyre Borough Ward Councillor for Jubilee Division, spoke in objection to the application.

Members raised concerns over the existing care home next to the proposed application, as well as the robustness of condition 16 as drafted. Members also presented concerns over issues of parking, lack of outdoor space, catering for the facility and the amenity impact, some of which had been brought up in previous meetings.

The Head of Planning Services addressed the objections made by John Barrett and the members on the amenity impact, stating that right to light is a legal right, but that this was not the same as loss of light as amenity as considered through planning. He also confirmed to the committee that this application was mutually linked to the existing Movern Care Home, 11-13 South Promenade, with protections put in place to ensure that if this application were approved and implemented, then the two care facilities would not be able to be established as separate enterprises.

Following discussion, the officer recommendation to grant planning permission was put to a vote and lost.

It was then proposed by Councillor Le Marinel, seconded by Councillor Orme, that the application be **refused** contrary to the recommendation, under the provisions of the Town and County Planning Act 1990, for the following

reason:

The proposal, by reason of the scale and massing and height of the building, would be out of keeping with the street scene character, resulting in an unacceptable impact on visual amenity. This would be contrary to policies SP2 and CDMP3 of the Wyre Local Plan (2011-31) and the NPPF.

**PA.15 Application C - 118 Chatsworth Avenue Fleetwood Lancashire FY7 8EJ
(21/00004/FUL)**

The application was brought before the Planning Committee for the deliberation at the request of Councillor Gerrard. Councillors commented that Councillor Gerrard's presence at the meeting would have been useful to understand his opinion on the application.

A site visit took place to enable councillors to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

Members noted the fact that with the pandemic, it was good to see small business opening in spaces which were unoccupied. Some members did note the fact that the addition of a third takeaway on a small high-street in an area of high levels of obesity amongst children under the age of 10 went against Lancashire County Council's guidance. Some members mentioned the fact that the area already had a high number of takeaways, with the issue of litter around the area.

The Head of Planning Services addressed the concerns of some members in relation to health of residents. The Lancashire County Council Hot Food Takeaways and Spatial Planning Public Health Advisory Note was a material consideration, but that it was not policy. The application does not contradict specific policies in Wyre Council's Local Plan, and that the policy considerations outweighed other material considerations.

Following discussions, it was proposed by Councillor Ballard, seconded by Councillor I Amos, and a decision was taken that the application be **approved**, as per the recommendation, under the provisions of the Town and County Planning Act 1990, subject to the following conditions.

Conditions:

1. The development must be begun before the expiration of three years beginning with the date of this permission.
Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 5 January 2021 including the following plans/documents:

- Proposed side elevation (Job No. CHATS1 Revision ELSV1)
- Proposed plans Drawing number 20-213-1 Revision A
- Location plan 1:1250

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. No development above ground level (save any internal alterations) shall be commenced until details of the materials and colour finish to be used in the construction of the external extraction, and details of the appearance (including elevations, materials and colour finish) of the enclosure to the fan unit cases, have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and retained thereafter, in accordance with the approved details.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. Prior to first use of the development hereby approved, the noise mitigation measures set out in the supporting Noise Assessment submitted with the application [NOVA acoustics 21/5/2021], shall be implemented. The approved noise mitigation measures shall thereafter be retained and maintained.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

5. The premises shall not be open to the public outside the hours of 12:00 to 23:00 on any day.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. There shall be no commercial deliveries / waste collections to or from the use hereby permitted outside the hours of 08.00 to 23:00.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan (2011-31).

7. Prior to first use of the development hereby approved, the odour mitigation measures set out in the supporting information submitted with the application [extraction plan Job No. CHATS1 Revision TVV1, Airclean Technical Bulletin, safe contained ozone generators, and Northern fan supplies Ltd] shall be implemented. The approved mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of odour in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.
2. If any part of the proposed development encroaches onto neighbouring property the approval of the adjoining owners should be obtained before the development is commenced.
3. The site falls in Flood Zone 3. It is therefore recommended that flood proofing measures are considered by the applicant and incorporated into the development where appropriate.

The meeting started at 2.00 pm and finished at 3.42 pm.

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