

Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 4 October 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Rendell, Lady D Atkins, Amos, Catterall, Fielding, Higginson, Livesey, Preston, Raynor, Rimmer and Higgs

Absent- apologies received:

Councillor Belshaw

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Karl Glover, Development Manager
Carmel White, Solicitor
Steve Smith, Head of Planning and Regeneration
Jane Collier, Human Resources Manager and Deputy Monitoring Officer
Ryan Arrell, Tree and Woodland Officer

13 members of the public attended the meeting.

PA.27 Declarations of interest

None.

PA.28 Confirmation of minutes

Councillor Higginson proposed an addition to the minutes, and Councillor Fielding seconded the proposal. A vote was carried out and the motion was lost.

The minutes of the meeting of the Planning Committee held on Wednesday 06 September 2023 were **confirmed** as a correct record by those who were in attendance.

PA.29 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 July 2023 and 15 September 2023. The Chair invited any Member

requiring any further details or clarification on the appeal to contact the relevant case officer.

PA.30 Planning applications

PA.31 Application 1 - 92 Marine Parade Fleetwood 23/00742/FUL

The application was brought before members for consideration at the request of Councillor Thewlis due to the application's potential impact upon amenity.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained an additional consultee response which was acknowledged by officers.

The Planning Development Manager introduced the report. The application was for a proposed change of use from a dwelling (C3) to a children's care home (C2), for up to 2 children and 3 carers. He highlighted that there were no physical alterations proposed to the semi-detached residential dwelling and the site was located within the defined settlement boundary of Fleetwood and Flood Zone 2.

Dan Smith spoke in objection to the application.

Councillor Catterall asked a question of the speaker.

David Fern spoke in objection to the application.

Gillian Crowker spoke in objection to the application.

Councillor Rimmer asked a question of the speaker.

Pauline Kennedy spoke in objection to the application.

Angela Walsh spoke in support of the application.

Councillor Rimmer and Preston asked questions of the speaker.

Remi Tomlinson, acting as the applicant, spoke in favour of the application. Councillor Lady Atkins asked a question of the speaker.

The Head of Planning and Regeneration responded to the questions and concerns raised during the public speaking portion of the meeting. He highlighted that within the report, the representations received were dealt with in section 7 and the guidance document was covered in paragraph 9.11. He clarified that an additional condition could be added to protect residential amenity which would prevent the use of the flat roof as a balcony or to be used in anyway. He explained that the work which had already started on site

did not require permission.

Councillor Raynor asked the Head of Planning and Regeneration if the application was permitted, were there more steps the applicant had to go through before a care home was setup. He explained that the majority of other regulatory regimes require planning first.

Councillor Catterall asked for clarification around the dropped crossing which Lancashire County Council (LCC) had requested. The Head of Planning and Regeneration explained that this was covered in informative note 2.

Councillor Lady Atkins proposed an additional condition to be added, seconded by Councillor Livesey, to prevent the use of the flat roof on the existing rear extension from being used as a balcony/roof terrace. The Committee agreed that an additional condition of this nature would be appropriate on the application if it were to be approved.

Councillor Rimmer proposed that the application be approved in principle as per the Officer's recommendation but subject to an additional condition to the satisfaction of the Head of Planning and Regeneration (in consultation with the Chair) to prevent use of the flat roof as an amenity area and that the Head of Planning and Regeneration be authorised to issue the decision subject to the four conditions set out below and to the additional condition. Councillor Livesey seconded the proposal. The motion was carried.

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 27.07.2023 including the following plans/documents:

- Site Location Plan (received 14.08.2023)
- Proposed Floor Plans and Site Plan ref.MPRD92/23/01

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. The premises shall be used for a children's residential home (C2 use) only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes)

Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without prior express planning permission from the local planning authority.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The number of children to be cared for at the premises shall be limited to a maximum of 2 at any one time.

Reason: To enable the Local Planning Authority to retain a measure of control over the development thereby safeguarding the amenities of the area including neighbouring properties in accordance with Policy CDMP3 of the adopted Wyre Local Plan 2011-31.

PA.32 Application 2 - Havenlyn Residential Retirement Park Lancaster New Road Cabus 22/01179/FUL

The application was brought before members for consideration at the request of Councillor Lady Atkins.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for a proposed change of use of land for the siting of 5 static caravans for holiday use only along associated internal access road and parking. He highlighted that the application site relates to land to the eastern side of Havenlyn Residential Retirement Park off Lancaster New Road (A6) in Cabus and was located within Flood Zone 1.

Lesley Marshall spoke in objection to the application.

Councillor Catterall asked a question of the speaker.

Wyre Borough Councillor for Garstang ward, Alice Collinson, spoke against the officer recommendation.

Councillor Amos asked a question of the speaker.

The Head of Planning and Regeneration clarified that there were no age restrictions because the application was for holiday use only.

The Planning Development Manager highlighted that drainage was covered in paragraph 9.14 of the report. He explained that the Councils Drainage Engineer had been consulted on the application and had commented that additional information was required. He clarified that a new package treatment plant was proposed to serve the proposed units but the full details were not submitted with the application. However, they were conditioned in condition 8

of the report.

Councillors raised the following questions/concerns over:

- drainage;
- proposed caravan sited south;
- car parking;
- septic tank;
- elderly residents and;
- restricting the view of current residents

The Planning Development Manager clarified that the application can only be assessed on what was being applied for and not any existing drainage.

In response to member comments, the Head of Planning and Regeneration observed that the application was for five units and explained that members would need to identify what they considered to be the planning harm of the 1 unit sited to the south.

Councillor Preston proposed the recommendation to approve the application to the committee, and Councillor Lady Atkins seconded the proposal. It was resolved to approve the application as per the Officers recommendation subject to the conditions set out below.

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 15.11.2022 including the following plans/documents:

- Site Location Plan ref.GA3442-LP-01A (received 18.09.2023)
- Proposed Site Plan ref.GA3442-PSP-01B (received 18.09.2023)
- Norwegian Log Caravan Specifications (containing floor plans and elevations) Types Lomond, Tirol and The Alpine Compact (received 25.07.2023)

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. The caravans shall be used for the purposes of holiday

accommodation only and not as a person's sole or permanent residence.

Reason: The development is approved for holiday use only and occupation on a permanent basis would be contrary to the provisions of Policy SP4 of the adopted Wyre Local Plan (2011-2031) and would also require further consideration against Policy CDMP2 of the adopted Wyre Local Plan (2011-2031).

4. Each caravan hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where they pay Council tax and/or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanence residence is where the owner/guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

Reason: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

5. No more than five static caravans shall be sited on the land at any time and each static caravan shall be compliant in all respects with the definition of caravan in s29(1) of the Caravan and Control of Sites Act 1960 and section 13 (1) and (2) of the Caravan Sites Act 1968 as those sections provide at the date of this planning permission.

Reason: An increase in the number of units other than approved would require further consideration by the Local Planning Authority in line with Policies EP9, SP2, SP4 and CDMP6 of the adopted Wyre Local Plan (2011-2031).

6. Prior to the first occupation or use of the development hereby approved, the ground floor window(s) in the west elevation(s) of units 1 and 3 shall be:
 - i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and

- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

- 7. The development shall be carried out in accordance with the Proposed Site Sections plan reference.GA3442-EPSEC-01 unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact and a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

- 8. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan

(2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

9. The development hereby approved shall not be brought into use until the parking / turning area(s) shown on the approved plan [GA3442-PSP-01B] has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

10. The new internal access road and parking for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

11. An electric vehicle recharging (EVCP) scheme shall be submitted for the development for each unit unless it is demonstrated that such provision of EVCP is not practical or due to other identified site constraints. No unit shall be occupied until the electric vehicle recharging point has been provided for the unit to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

12. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft

landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

13. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- * Native tree and shrub planting
- * Hedgerow planting
- * Bolstering of existing hedgerows
- * Bird Boxes
- * Bat Boxes
- * Creation of ponds

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the

National Planning Policy Framework.

14. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

PA.33 Application 3 - Formerly Mount Garage Rear of Promenade Road Fleetwood 23/00725/FUL

The application was brought before members for consideration at the request of Councillor Duffy due to concerns related to the height and scale of the proposal in comparison to adjacent properties.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for the erection of a first-floor extension to the building and internal alterations to the existing light industrial unit (Use Class E) to provide first-floor ancillary office accommodation (Use Class E). He highlighted that the site was in a predominately residential area and falls within the Fleetwood Conservation Area.

Wyre Borough Councillor for Pharos ward, Ruth Duffy, spoke in favour of the officer recommendation.

Councillors raised concerns over the location and size.

Following discussion and a proposal by Councillor Raynor, seconded by Councillor Catterall, it was resolved to refuse the application as per the Officers recommendation for the following reasons:

1. Due to the overall excessive scale of the proposed extension, in close proximity to residential properties, the development would result in an adverse detrimental impact on the residential amenity of the neighbouring properties to the east, namely 141-145 Promenade Road, by way of loss of light, loss of outlook and its overbearing impact. In addition, the two windows to the front elevation of the proposal would result in unacceptable overlooking/loss of privacy to the properties to the north of the site, 7-11 Abbots Walk. As a consequence the proposal would fail to comply with Policy CDMP3 of the Wyre Local Plan (2011-2031) along with the provisions of the NPPF.
2. The proposed development by reason of its excessive scale sited within a predominantly residential area, would result in a highly prominent and obtrusive feature within the street scene, resulting in significant detrimental impact on the character and visual amenity of the surrounding area. As a consequence the proposal fails to comply with Policy CDMP3 of the Wyre Local Plan and the Supplementary Planning Guidance 4 along with the provisions of the National Planning Policy Framework, in particular section 12.

PA.34 Application 4 - 206 Breck Road Poulton-Le-Fylde 23/00679/FUL

The application was before members for determination as it was a re-submission of application 23/00392/FUL which was determined by members at the 5 July 2023 committee meeting. The application was also brought before members for consideration at the request of Councillor Le Marinel due to the applications potential impacts upon residential amenity.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

The Planning Development Manager introduced the report. The application was for a proposed single-storey side extension to form garage, two-storey front extension to the main house and alterations to all roofs with the formation of two front dormers. He explained that application 23/00392/FUL was refused due to a proposed two-storey side extension to the eastern elevation of the dwelling resulting in a harmful and detrimental overbearing impact on residential amenity for the occupiers of the adjacent dwelling at 206a Breck Road.

He highlighted that the application's main difference from the previous refused planning application was the formation of a single-storey side extension with pitched roof to the eastern elevation rather than a gable ended two-storey side extension and changes to window openings to the eastern elevation and windows in the front dormers.

Wyre Borough Councillor for Breck ward, Peter Le Marinel, spoke against the officer recommendation.

Councillor Lady Atkins and Fielding asked questions of the speaker.

The Head of Planning and Regeneration explained that the concerns raised during the public speaking were immaterial to the planning decision.

Councillor Catterall asked for clarification around the lean to roof.

Councillor Livesey proposed the recommendation to approve the application to the committee, and Councillor Lady Atkins seconded the proposal. A vote was carried out and the motion was lost.

The Head of Planning and Regeneration reminded committee that in circumstances where planning applications are refused, reasons for refusal, should refer to the planning harm and the policy that supports that reason for refusal.

Councillor Higginson asked the Chair whether reasons must be given if a planning application is refused. The Chair confirmed that reasons for refusal must be given.

Councillor Raynor asked for further clarification around policy SP8 Health and Well-Being.

Councillor Rimmer asked for clarification around a further determination.

Councillor Higginson asked if the application could be deferred until the committee had reasons for refusal. The Chair said that it was not an appropriate reason for deferral.

The Committee considered the matter further. Councillor Fielding left the room.

Councillor Rimmer proposed the recommendation to approve the application to the committee, and Councillor Livesey seconded the proposal. It was resolved to approve the application as per the Officers recommendation subject to the conditions set out below.

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 06.07.2023 including the following plans/documents:

- Location plan 23050 LOC received on 06.07.23

- Proposed site plan 23050_11S received on 06.07.23
- Revised proposed plans and elevation drawing 23050_110 REV D received on 15.08.23.

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. The development shall be carried out strictly using those materials specified on the approved plan 23050_10 Rev D unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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 the first occupation or use of the development hereby approved, the first floor windows in the eastern elevation shall be:
 - i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

PA.35 Wyre Council Tree Preservation Order No 9 of 2023: Heyswood House, Head Dyke Lane, Pilling, PR3 6SJ

The Corporate Director Environment submitted a report for the committee to consider the objection to the making of the Wyre Council Tree Preservation Order No 9 of 2023: Heyswood House, Head Dyke Lane, Pilling, PR3 6SJ.

The Tree & Woodland Officer, Ryan Arrell, introduced the report.

The committee had visited the site and had no questions on the report.

The Chair asked the committee to consider the recommendation. It was proposed by Councillor Catterall and seconded by Councillor Amos that the tree preservation order be approved in accordance with the Officer

recommendation. It was resolved to confirm the Council Tree Preservation Order No 9 of 2023: Heyswood House, Head Dyke Lane, Pilling, PR3 6SJ without modification for the reasons set out in the officer report.

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

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