

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JULY 2015

### Present:

Councillor L Williams (in the Chair)

Councillors

I Coleman  
Critchley

Elmes  
Hutton

Robertson BEM  
Stansfield

### In Attendance:

Karen Galloway, Principal Engineer Transportation  
Bernadette Jarvis, Democratic Services Senior Adviser  
Gary Johnston, Head of Development Management  
Nicola Rigby, Planning Enforcement Manager  
Mark Shaw, Principal Planning Officer  
Carmel White, Chief Corporate Solicitor

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 2 MINUTES OF THE MEETING HELD ON 9 JUNE 2015

**Resolved:** That the minutes of the meeting held on 9<sup>th</sup> June 2015 be signed by the Chairman as a correct record.

### 3 PLANNING ENFORCEMENT UPDATE REPORT

**Resolved:** To note the outcomes of the cases in the report and to support the actions of the Service Manager, Public Protection Department in authorising the notices.

### 4 PLANNING APPLICATION 14/0635 - 397-399 PROMENADE

The Committee considered application 14/0635 for outline planning permission for the demolition of existing premises and erection of five-storey building comprising a restaurant at ground floor and seven self-contained permanent flats on the upper floors, with associated car parking and bin and cycle stores.

Mr Shaw, Principal Planning Officer, presented the Committee with a brief outline of the application and detailed plans for the proposed development. He reported that the outline planning permission related to the site layout, scale and means of access for the development. Mr Shaw explained that, whilst it was accepted that the development would result in a loss of holiday accommodation, the applicant had satisfactorily demonstrated that the inclusion of holiday accommodation within the scheme would not be financially viable. The regeneration benefits from the development were reported to Members. Mr Shaw referred to the Update Note that had been circulated to Members since the publication of the agenda which amended Condition 2 to restrict the use of the

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ground floor unit to a restaurant.

The Committee expressed concerns relating to the length of time that the outline planning permission could be in existence before the development commenced should the application be granted and Ms White, Chief Corporate Solicitor, confirmed that this application was in line with the standard timeframe and that it would not prevent further applications for planning permission being submitted within this period. In response to questions from the Committee, Mr Shaw confirmed that, although the intention was for the flats to be used for permanent accommodation, there was the potential for the applicant to rent them out as holiday accommodation in the future if he chose to do so.

**Resolved:** That the application be approved, subject to the conditions, and for the reasons, set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

### 5 PLANING APPLICATION 14/0862 - 176 QUEENS PROMENADE

The Committee considered application 14/0862 for outline planning permission that sought approval for the site layout, scale and means of access for the proposed erection of a part two/part three/part four storey building comprising 11 self-contained permanent flats with associated balconies, car parking, vehicle accesses from Queens Promenade and Cavendish Road, bin store, cycle store and boundary treatment, following demolition of the existing building.

Mr Shaw explained that this application related to a redevelopment of an existing site on Queens Promenade. The Committee was advised that the applicant had made amendments to the application to address the main concern raised by residents in relation to light obstruction. A further amendment to the application had been made to address concerns raised by the Head of Transportation relating to car parking arrangements. Mr Shaw also reported that the amended plans included balconies for the majority of the flats to address concerns in relation to a lack of private amenity space.

Mr Shaw referred to the Update Note that had been circulated to Members since the publication of the agenda that included an amendment to conditions 9 and 10 relating to highway works, vehicle access and the Construction Management Plan. An additional condition had been included regarding completion of a bat survey.

The Committee considered the details of the plans of the development. Members also considered the objections raised by nearby residents.

Responding to questions relating to the objection raised by nearby residents, Mr Shaw confirmed that amendments had been negotiated with the applicant to address the concerns although it was accepted that the changes might not fully meet the objectors' expectations. However officers were of the view that the changes meant that the application could not be resisted on amenity grounds.

**Resolved:** That the application be granted, subject to the conditions, and for the reasons, set out in the appendix to the minutes.

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### **6 PLANNING APPLICATION 14/0866 - LAND AT FERNBANK**

The Committee considered application 14/0866 for external alterations of an existing single-storey building to include removal of door and use of premises as a single private dwelling house and erection of a private garage.

Mr Johnston, Head of Development Management, explained that the application site was located on Division Lane within the Marton Moss Countryside Area close to the boundary between Blackpool Borough Council and Fylde Borough Council administrative areas. He advised the Committee that the level of housing requirement as detailed in the emerging Core Strategy could be met without the need to release sites in unsustainable locations. He informed Members of a recent successful appeal decision following the refusal of a similar proposal. Mr Johnston advised the Committee that the development conflicted with the Local Plan, the emerging Core Strategy and NPPF Policies.

Mr Hough, the applicant spoke in support of the application.

The Committee considered the representations made by both Mr Johnston and the applicant and viewed the details of the plans for the development. In response to questions from a Member of the Committee, Mr Johnston reported his understanding that some of the building work had been undertaken but had ceased pending the outcome of the application. He confirmed that there was no evidence of the building being currently occupied.

**Resolved:** That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

### **7 PLANNING APPLICATION 15/0104 - 71 MOOR PARK AVENUE**

The Committee considered application 15/0104 for the use of premises situated at 71 Moor Park as a children's indoor play centre with Use Class D2 with associated car parking.

Mr Johnston presented the Committee with detailed plans showing the location and size of the unit. He advised Members that the site had been vacant for several years but had undergone a recent refurbishment and conversion into three units, two of which were now occupied. The Committee was advised that the key issue with the application was the loss of industrial land to leisure use, particularly in light of a lack of industrial land within the Borough. He advised Members that the change of use would be contrary to the Local Plan and emerging Core Strategy and the NPPF. Mr Johnston accepted that a limited sequential test had been undertaken by the applicant that had demonstrated that there were no sequentially preferable sites in the Town Centre or in an edge of centre location but reported at the adverse impact on the Town Centre from out of town leisure

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developments. He acknowledged the applicant's claims that the proposal would generate employment but reiterated that the facility did not fall within the permitted use of the premises or the area and was therefore contrary to the Local Plan.

Mr Shepherd, the applicant's agent spoke in support of the application.

The Committee considered the representations made by both the officers and the applicant's agent and the letters of support for the scheme that had been received by Mr Maynard MP and Councillor Rowson.

The Committee was also asked, if it was minded to grant the application, to consider a temporary permission with a suggested period of five years.

During consideration of the application, the Committee raised concerns that the site had been vacant for some time. Members also considered that the facility would provide local people with a safe play area for children and would therefore be of benefit to the local community. The Committee accepted that it would be a loss of industrial land but considered that it would generate employment opportunities. The Committee was aware that the proposal was contrary to the Local Plan and emerging Core Strategy and the NPPF but considered that the above factors outweighed the conflict with these policies.

Following a general discussion by the Committee regarding conditions to be imposed should the application be approved, Members agreed that, should the application be granted, the forecourt area should be segregated from the other units for the safety of parents and children accessing the facility.

**Resolved:** That the application be granted, subject to the imposition of a suitable condition to cover the segregation of the unit in the interests of public safety.

Background papers: Applications, plans and replies to consultations upon the applications.

### **8 PLANNING APPLICATION 15/0235 - 352-358 LYTHAM ROAD**

The Committee considered application 15/0235 for the erection of 3 x 10 metre high lighting and CCTV columns; construction of a 2.4m high timber fence to north and south boundaries and 2.4m high mesh fence to Lytham Road boundary and use of land as altered as a car park for 50 vehicles for a temporary period of five years.

Mr Johnston gave a brief outline of the application and presented the Committee with the proposed plans for the development which was at the site of the former Lytham Road Health Centre. He advised Members of the amendments to the plans which improved the layout of the car park and changes to the fencing around the car park. Reference was made to the Update Note that had been circulated to Members following publication of the Agenda which detailed further amendments to the original plans. Mr Johnston advised the Committee that he had recently attended the site and noted improvements to the fencing. It was suggested to Members that an additional condition could be imposed, should the application be granted, to restrict the use of the land as a car park between the hours of 8am and 8pm on any day.

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Mr Rowland, public objector, spoke in objection to the proposal.

The Committee considered the representations made by the officer, members of the public and the letter of objection from Mr Marsden, MP.

During consideration of the application, a Member of the Committee expressed concerns that the development had commenced without the appropriate permission. Members expressed conflicting views on the adequacy of the current parking provision within the area. Members of the Committee also raised concerns regarding the impact on neighbouring residents from the lighting columns. Mr Johnston addressed further concerns from the Committee by confirming that the long term aspirations for use of the site was for residential use but it appeared that this was unlikely in the short term, hence the recommendation for a temporary use in the meantime. Responding to concerns raised by Members, Mr Johnston confirmed that the Head of Transportation had not raised any traffic-related concerns. Although the Committee noted that amendments had been made to the original application to the satisfaction of officers, some Members still considered that the application, if granted, would harm the amenity of residents and visitors.

**Resolved:** That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

### **9 PLANNING APPLICATION 15/0242 - MCDONALDS RESTAURANTS LTD, CHERRY TREE ROAD NORTH**

The Committee considered application 15/0242 for the temporary removal of condition 8 attached to planning permission ref 89/1909 to allow the restaurant and associated takeaway to trade 24 hours per day, seven days a week.

Mr Shaw gave the Committee a brief overview of the application. He explained that in November 1990 planning permission had been granted following an appeal for the erection of a McDonalds Restaurant with a condition restricting the opening hours. Since then a number of extensions to the opening hours of the restaurant have been approved with the most recent being to restrict the hours of opening from 5am to 11.00pm on Sundays to Thursdays and 5am to 11.30pm on Fridays and Saturdays, with only the drive through open between 11pm and 11.30pm.

Mr Shaw explained that the applicant had stated that the application was necessary to meet customer demand and that the majority of the customers during the proposed extended hours would be from passing trade.

Mr Shaw reported on the consultations that had been undertaken which included comments from the Head of Environmental Services indicating that they had not received any complaints although accepted that this could be attributed to the current restricted hours. Similar comments had been received by the Police regarding incidents of anti-social behaviour. Both the Head of Environmental Services and the Police had suggested that the application, if granted, should be on a temporary basis to assess the impact of

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the extended hours. In response to these comments and the objections raised by members of the public, it was suggested that the Committee could consider allowing the extension of opening hours for a trial period of 12 months to assess the impact on the amenities of the immediate residential neighbours prior to granting full permission. Mr Shaw highlighted that Condition 1 as detailed in the report would be removed as it would not be relevant if the application was granted on a trial basis for a period of 12 months.

Councillor L Taylor, Ward Councillor spoke, on behalf of local residents, in objection to the application.

The Committee noted the objections received by members of the public and noted that a further petition had been received reiterating the concerns raised. It also considered the representations made by officers and Councillor L Taylor.

The Committee discussed the merits of the application and expressed concerns regarding the potential for an increase in noise and disturbance, particularly in the adjacent car park, and the impact that this would have on the amenities of neighbouring residents should the application be granted. Further concerns raised by the Committee included the adverse impact on the environment from the extended opening hours. Members, whilst acknowledging the applicant's reassurances regarding litter patrols currently being undertaken, were concerned at the potential for increased litter outside the site in the early hours of the morning should the restriction on opening hours be removed.

**Resolved:** That the application be refused for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations upon the applications.

### Chairman

(The meeting ended 7.43 pm)

Any queries regarding these minutes, please contact:  
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