



Lytham Town Council

Minutes - Extraordinary Council Meeting - Wednesday 7th January 2026

Minutes of the Council Meeting held:

Wednesday 7th January 2026, at 6.30pm at Lytham Institute, 27 Clifton St, Lytham, FY8 5EP

Present: Councillors Simon Newell (Chair), Edward Cook, Cath Powell, Hilary Warburton, Brenda Blackshaw, Mark Bamforth & Anne Aitken.

Apologies received: Councillors Amy Barnes, Kelly Farrington & Suzanne Bramall

Officers: Clerk / RFO

Members of the Public: 16 members of the public were present.

1. Chair's Welcome

The Chair welcomed Council Members and Members of the Public to the meeting and explained what the meeting had been called as an extraordinary meeting outside of the regular, published, meeting cycle. The rationale was that in order to meet the timelines to make submissions for 2 x Planning Applications submitted to Fylde Council, this date was the last date on which the Town Council could meet to consider the matters on the agenda.

The Clerk reminded all persons present that the meeting was being Audio recorded for the purpose of enabling the effective and accurate completion of the Minutes of the meeting. He confirmed that the meeting was Quorate with 7 Members present. He explained the necessity for recording the names of the public attendees which could be verified against in the unlikely event of a fire alarm requiring the meeting room to be evacuated.

Apologies for Absence

Apologies had been received by the Clerk from:

Councillor Barnes due to personal, family commitments.

Councillors Bramall and Farrington due to Leave commitments.

2. Declarations of Interest and Dispensations

The Chair asked Councillors whether they had any Declarations of Interest to make. No Declarations were made and no requests for dispensations were received.

3. Approval of Minutes

The council voted to approve the minutes of the Full Council meeting held on Wednesday 26th November 2025, which had been previously circulated to Councillors and published as a Draft on the Town Council's website, as a true and accurate record of that meeting.

Moved by: Cllr Bamforth - **Seconded by:** Cllr Blackshaw

Decision: This was resolved Unanimously to be a true and accurate record. The Chair will sign the endorsement.

4. Public Participation (Open Forum)

(Max 15 minutes, 3 minutes per speaker)

The Chair introduced this item and reminded all members of the public present that due to this being an extraordinary meeting, any matters raised should relate to the business of the Council on the agenda. He then opened the session to raise items with the Council.

Person A gave asked that whilst there were two planning applications being considered at the meeting, why was there no discussion about the Olive Tree Brasserie premises which is located between the two locations being considered. The Chair explained that the meeting was solely to discuss and consider planning applications currently open and in advance of the Fylde Council Planning Committee's meeting scheduled for 21st January 2026.

Person B stated that the matters being considered had clearly gone through a long process and asked whether there has been or would be any Net return to (Fylde) Council or whether this was solely an expenditure of Public Money to cover the costs including legal costs relating to these cases. The Chair explained that facts he was aware included how one business owner had been found guilty in a Court case and fined £50,000 and also required to pay the legal costs to Fylde Council but it is unknown if that money had been recovered by Fylde. It is not known why there was no application for a Confiscation Order under the Proceeds of Crime Act 2002 to recover assets. He also stated that a Freedom of Information Act request had been submitted to understand if legal costs had been recovered.

Person C spoke stating that he was present both as an individual resident of Lytham and also representing the Lytham Voice community group. He said that as a parent and grandparent he had always sought to hold to the belief that one should always do the right thing, and that good behaviours should be recognised and complimented, but poor behaviours should not be rewarded. He hoped that the Town Councillors present had the same principles. Person C stated that whilst the Planning Committee meeting had been delayed from December 2025 to January 2026 - the applications to be considered had a history going back up to 8 years due to breaches of permissions, challenges and the system being used to extend their timelines.

He made the following points for Councillors to consider in their discussions and decision making.

- * There is a need for the Town Council to protect our heritage. This is one of Lytham's key assets, and if this is forgotten or lost then all residents and businesses would suffer.
- * There is a need to protect our pedestrian highways. If these are not safeguarded, then there is a threat from opportunistic businesses to seek to encroach further into these spaces.
- * Can we play by the rules? Whether we enjoy those businesses or not, if there is a reward for the poor behaviour by businesses in breaching laws then it will be the good, compliant businesses which will suffer.

Person D asked a process question about how they could put their own objection into the Council. The Clerk answered the question and explained how the Fylde Council planning portal worked and offered to show Members of the Public how that website could be found online.

5. Planning & Licensing

- The Council considered the planning application for:
25/0166 THE DEACON. 84 CLIFTON STREET, LYTHAM. FY8 5EN.

The Chair introduced the subject, providing a detailed briefing including the history of 5 planning applications since 2015 relating to this premises. This was materially significant as they all related to the concept of a Canopy, so an overhead, open-sided structure. The Chair was able to explain when refusals for planning permission were made and the rationale for why this decision was made, as well as where permissions were granted.

He was also able to quote from a Planning Inspector's report and also an internal, Fylde Council, planning document.

He stated that planning application 17/0791 was granted on 14th March 2018 however what was constructed did not conform the permission which had been granted. Cllr Newall stated {Text quoted from the transcript of the audio recording} that there was a hiatus in work from 2018 to 2024... *“you ought to be aware that when planning permission is granted for a development, you are given three years to commence the work. If you do not commence the work then the planning permission becomes invalid”*. He stated that as the planning permission was for an open sided canopy on the plinth, then this is what should have been constructed by March 2021.

In 2024 Fylde Council issued criminal proceedings against the owner and the property company involved with the running of the business. There were 4 hearings and court and the defendant, the owner, pleaded guilty to breach of planning permissions, and after reports had been received they were fined £50,000 and also required to pay the legal costs of the prosecuting authority (Fylde Council). Mitigation had been offered that the defendant had stated they had instructed builders to remove the construction and on the last day of January 2025 some glass panels were removed from the ends of the enclosed structure. In addition, the panels on the balustrade were covered with an opaque film and a fireplace and chimney were constructed internally to the structure. At about the same time the application before the Planning Committee (25/0166) was submitted.

The Chair stated that his position as an individual Councillor is that the application should be objected to. His rationale was that the structure that has been built is incompatible with the Conservation Area; that it is inaccurately described as a 'Canopy' whereas it should more accurately be described as a Garden room or conservatory. Quoting from the 2019 Planning Inspector report stating that the professional assessment was that the development did not look like a canopy and significantly detracted from the appearance of the premises.

The Chair stated that there was an issue with the recognition of the land on which the development has been built on the Highway, land which the public had a right of access to for a significant number of years - which whilst there is no automatic bar to building on the Highway does need considering in light of legal opinion provided to Fylde Council.

The Chair also stated that as the 2017 application which received permissions in 2018 had not been constructed within the necessary timescale - that those permissions had expired, and the applicant should be submitting a fresh application rather than trying to apply for retrospective permissions.

He also felt that as there had been breaches to planning legislation for which a guilty plea was made and sentence passed, this was materially relevant to the consideration of the integrity of the planning decision making process.

Councillors then took the opportunity to make their submissions for consideration.

Cllr Blackshaw stated that in her opinion the application was retrospective and that the construction as it stands is illegal. She was representing views of members of the public who like the development. She felt that to remove the construction would change the appearance of the building as access to the enclosed structure is only available through the internal aspect of the premise, and she had spoken with people who had grown used to it.

Cllr Cook stated that he would object to the application and he concurred with the comments and viewpoint of the Chair.

Cllr Warburton said that she would object to the application. In her view the structure that has been built is an eyesore and is out of character with the Conservation Area.

Cllr Aitken stated that she had spoken with owners of other businesses in Lytham who are compliant with legislation and she believed that fairness must be applied consistently across the board. Most business follow the law and a failure to uphold the legal standards would harm all businesses. She said she would oppose the application.

Cllr Powell stated that she strongly opposed the application. Her belief was that the owners had taken liberties with the planning processes at all opportunities having had over 8 years from the initial application to make money outside of planning permissions. She felt that the Town Council needed to take a stand on this application as it is wrong that an illegal building should be tolerated within a Conservation Area. She stated the way these planning applications had been dealt with had set a precedent for all businesses. Cllr Powell said that one business had said to her {Text quoted from the transcript of the audio recording} "*I'm not taking my canopy down until the Deacon does*". She said that there were at least four or five other businesses, that it would not be right to name in this meeting, that would not do anything [to comply] because why should they?

Cllr Bamforth said that he would object to the application and recognised that mistakes appeared to have been made by Fylde Council by not highlighting the mistakes whilst the development was being built and making the correction to the agreed specifications made by the planning committee when given approval.

After discussion the following Motion was placed before the Council

➤ **That this Council opposes the Planning Application, reference 25/0166**

Moved by: Cllr Warburton **Seconded by:** Cllr Aitken

Decision: Resolved in agreement with the motion, by majority vote.

For: EC, HW, AA, CP, MB, SN

Against: Nil

Abstention: BB

- The Council considered the planning application for:
25/0094 SPAGO. 7 DICCONSON TERRACE, LYTHAM. FY8 5JY

The Chair introduced this item with a factual background including the recent history going back to 2013 when a change-of-use application was first made and granted. The premise is a listed building at Grade 2 and is within the Conservation area.

There was an extension at the rear of the premises, which whilst not currently in use, had the potential for a number of restaurant covers in addition to those internally to the building. In 2014 an application was made to use the frontage of the building with the use of York Stone flooring covering a fixed concrete 'plinth'; and also, for railings to be installed - listed building consent was granted for this work. Immediately after this permission was granted, an amended was made to have a 1.5m high balustrade instead of the railings which was granted and then an application for 2 x canvas canopies supported by poles was made and granted.

The balustrade was built from onto of the plinth, so that it reaches approximately 1.8m above the pavement

A following application sought a 2m high balustrade at each side aspect, thereby creating a 'box' accessed through a central gap in the balustrade at the front.

The two canvas canopies were not installed; however, a fixed roof was added to across the frontage.

The Chair stated his individual view that there appeared to have been an acquisition of permission by attrition, which application after application being sought to incrementally gain permission for a fully enclosed garden room rather than a shading canopy. He stated that he wished to oppose the application and the rationale was similar to the rationale for opposing application 25/0166. He believed that the development was inappropriate to the Conservation Area and does not comply with a reasonable definition of what is a Canopy. He quoted from the Planning Inspector appointed by Fylde Council in 2018

“...the appeal development has the appearance of a more dominant and imposing front extension. The development includes a more extensive roof (s). The connecting roof over the entrance pathway is higher than the roof(s) of the main canopies and appears discordant and clumsy to the passerby. This represents an unacceptable departure from the simpler and more slender design solution previously approved by the Council.

“I consider that the appeal development looks out of place and unacceptably interferes with and substantially obscures the strong symmetry and balance of the appeal building's facade. I find direct conflict with the SPD [The Fylde Council design policy document]”

The Chair believed that the application is based upon permissions granted in 2018, however as those works were never took place, then those permissions would have expired.

He stated that the application support document recognised that the previous development was not in compliance with the permissions given and also identified that the primary reason for seeking the permissions was to generate economic benefit for the business owner. Economic benefit was explicitly considered by the Planning Inspector in 2018.

The Chair said that there needs to be a balance between the rights of a business to make money and profit and the need to safeguard and protect the heritage assets of Fylde.

The Chair also cited the Department of Environment's guidance about why planning law should be enforced to protect its integrity.

Cllr Blackshaw stated that she agreed strongly with protecting Heritage and Heritage assets, however there were many areas in Lytham where these preservations had not happened. This included missing chimney pots which had a substantial value and also the Grade 2 listed building of the old railway station. With regards to the application, she felt that the extra glass panelling sought will not take away from being able to look at the front aspect of the building and the request is to make the frontage of the premise more usable by residents, users and visitors. She stated that she would support the application. The business is a long-established business which applied by the rules relating to licensing.

Cllr Cook stated that he would oppose the application.

Cllr Warburton sought clarification from Cllr Blackshaw about why there was a necessity to extend the glass panelling but recognised that there was no need to access the frontage only be transiting through the building itself. She stated that she believed from the application that there was an intention to seek to move towards a design more in line with the Conservation Area and that the business owner appeared to be working with Planning Officers. However, on balance she believed that it was necessary to object to this application.

Cllr Aitken stated that even though she felt that she had been good friends with the owners, she had to oppose the application for the reasons of being transparent and fair across the board when it came to planning law and decisions in the Conservation Area. She had to be fair to all businesses in the town.

Cllr Powell said that she would oppose the application, with a similar rationale to Cllr Aitken, in establishing and maintaining a level playing field of decision making. She stated that as the Council works through the Neighbourhood Development / Town Plan this would provide additional clarity and criteria to empower planning officers in making decisions respecting the Conservation Area. She said that she believed that all the Councillors had applied to be Councillors and at times had to make decisions which were not universally liked.

Cllr Bamforth stated that he would oppose the application for similar reasons to the principles in 25/0166. There had to be a level playing field of compliance with legislation.

After discussion the following Motion was placed before the Council

➤ **That this Council opposes the Planning Application, reference 25/0094**

Moved by: Cllr Powell **Seconded by:** Cllr Cook

Decision: Resolved in agreement with the motion, by majority vote.

For: EC, HW, AA, CP, MB, SN

Against: BB

Abstention: Nil

Following these decisions, the Chair stated that Councillors had become aware that there had been instances where individuals had sought to characterise Lytham Town Council as being anti-business or anti-hospitality with personal or social media-based conversations.

This was categorically untrue.

The Council was strongly pro-business and pro-entrepreneurs - although there was a nuance that this support was towards those which were compliant with the relevant laws concerning Planning, Heritage protection, Licensing and Environmental Protection.

The Council would not reward those who sought to breach the rules and laws and would call on the relevant authorities to ensure effective enforcement if permissions, standards or laws were breached.

14. Date, Time & Location of Next Meeting

- Wednesday 14th January 2026. 6:30pm
Lytham Institute.

The Chair thanked all attendees and closed the meeting.

NB: Addendum.

As a result of Correspondence received from Lytham Business Partnership on 14th January 2026 to clarify a position in law. Section 91 of the Town and Country Planning Act 1990 requires that where planning permission is granted in England, the applicable period of Three years relates to the commencement of material works and not to the completion of works.

The chair of this meeting believes that the minutes of the meeting of Lytham Town Council held on 7th January 2026 are a correct record and are confirmed as an accurate record of the proceedings.

Chair