



## **Planning Committee Supplement**

**Wyre Borough Council**  
**Published on: Wed 7 November 2018**  
**Please ask for : Carole Leary**  
**Democratic Services Officer**  
**Tel: 01253 887444**

**Planning Committee meeting on Wednesday, 7 November 2018  
at 2.00 pm in the Council Chamber, Civic Centre, Poulton-le-Fylde**

**Update Sheet for**

**Item 1, Application No: 18/00488/FUL –**

**23 Market Place, Poulton-Le-Fylde, Lancashire, FY6 7BT**

Change of use from bank office to public house and restaurant with associated external alterations.

**Update Sheet for**

**Item 3, Application No: 18/00742/FUL**

**6 Ruskin Avenue, Thornton Cleveleys, Lancashire, FY5 2RS**

Erection of detached garage.

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## PLANNING COMMITTEE UPDATE SHEET

**COMMITTEE DATE:**                      **7<sup>nd</sup> November**                      **2018**

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
18/00488/FUL	Lyndsey Hayes	1	29-39

### ADDITIONAL REPRESENTATION

One additional comment from a member of the public has been received in support of the application on the grounds that it would benefit the town centre by occupying a vacant building and would create local jobs.

### CONDITIONS

**The following amendments to conditions 2, 7, 9, 10, 11, 12 and 14 as set out in the main report are proposed:**

#### **2) Approved plans**

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 15th May 2018 including the following plans/documents:

- Location Plan CFM LP Rev B, received 24th October 2018;
- Existing and Proposed Elevations Rev D, received 25th October 2018;
- Proposed Floor Plans TS 4416 04 Rev G, received 5th November 2018;
- Proposed Site Layout TS 4416 05 Rev B, received 5th November 2018.

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.

#### **7) Roof terrace**

The use of the external roof terrace area as shown on the approved floor plan shall only operate between the hours of ~~09~~10:00 to 22:00 Monday to Sunday including bank and public holidays.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

#### **9) Bottle bins and deliveries**

There shall not be any emptying of bins (including bottle bins) or deliveries to the premises between the hours of 22.00 and ~~08:00~~ 09:00 on any given day.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

## 10) Sound limiter

Prior to a sound system being installed at the premises, a sound limiter device capable of controlling the level of sound emitted shall be installed ~~so amplified music does not exceed a level of 89 dB(A)~~ as set out within the Acoustic Survey ref: 10624 Rev C Dated 15 Aug 2018 submitted with the planning application. The device shall be set to a level to be agreed in writing by the local planning authority prior to first use of the development hereby approved and thereafter retained at that level. Any live or amplified sound played through the sound system shall be routed through the limiter at all times in accordance with the approved specifications / noise levels.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

## 11) Occupancy of flat

The flat accommodation at first floor level in the development hereby approved shall be occupied solely by a ~~staff member only~~ member of staff and their personal household, dependants or guests only and shall remain ancillary to the use of the building as a public house and shall not be used as a separate and unconnected dwelling.

Reason: Use or conversion to a separate dwelling would result in noise and amenity impacts and may impact on highway safety.

## 12) Boundary Treatments

Prior to first use of the development hereby approved, the 2m high timber fence shall be installed in the position as shown on the approved floor plan TS\_4416\_04 Rev F and ~~The boundary treatment shall thereafter be retained in accordance with the approved details.~~

Reason: In the interests of the appearance of the locality in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

## 14) Opening Hours

The premises shall ~~not be open to the public~~ not trade between the hours of:

~~-01:00 to 10:00 on Fridays, Saturdays, Bank and Public Holidays, and the day immediately prior to a Bank or Public Holiday~~

~~-00:00 to 10.00 on Sundays to Thursdays~~

- 01:00 to 10:00 on Saturdays, Sundays, Bank and Public Holidays, and the day immediately following a Bank or Public Holiday

- 00:00 to 10.00 on Mondays to Fridays

All customers and members of the public shall vacate the premises no later than 30 minutes following the last trading hour stipulated above.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

**The following additional conditions are proposed:**

### **15) Odour management**

The use hereby approved shall not commence until a scheme for the control of odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use and thereafter maintained in good working order at all times.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

### **16) External lighting**

Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment and time schedule of when the lights will be in use shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999) and paragraphs 17 and 125 of the National Planning Policy Framework.

### **17) Roof terrace access**

Prior to first use of the development hereby approved, details of a management plan including any gates / chains / barriers etc to restrict access to the roof terrace area for patrons outside of its permitted hours of use shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented prior to first use and retained thereafter.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

**Condition 04 as set out in the main committee report is proposed to be deleted.**

~~The premises shall be used for food and drink and for no other purpose (including any other purpose in Class A3 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)~~

~~Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).~~

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18/00742/FUL	LYNDSEY HAYES	03	51-57

## ADDITIONAL CONSULTATION RESPONSE

WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - The section has been made aware of concerns that the applicant has a commercial interest in the maintenance and supply of American Hot Rod type cars, which by their very nature can be noisy vehicles. In view of the applicant's commercial interest, it is felt appropriate that the domestic garage must not be equipped with commercial equipment such as hydraulic ramps, compressors, paint sprayers or any other equipment associated with a commercial enterprise, which is likely to be detrimental to the amenity of the residential area by causing excessive noise, dust or odour.

*Officer Response: Conditions are required to meet various tests which includes being enforceable and precise. As commercial machinery is not actually defined, it would not be possible for a suitably worded condition to be imposed along the lines of what is suggested above. Condition 4 (as set out in the main report) would require the garage to be used for purposes incidental or ancillary to the dwelling and would prevent it from being used for any commercial purpose. Furthermore it is acknowledged that Environmental Health have separate powers to deal with complaints, such as noise, which they can deal with independently from the local planning authority to safeguard the amenity and/or health of residents.*

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