

## Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 7 November 2018 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

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### **Planning Committee members present:**

Councillors R Amos, I Amos, Catterall, Ballard, Ellison, Ingham, Lees, Moon and Orme

### **Apologies for absence:**

Councillor(s) Atkins, Greenhough, Holden, Raynor and Shewan

### **Other councillors present:**

Councillor Fail

### **Officers present:**

David Thow, Head of Planning Services  
Lyndsey Hayes, Planning Development Manager  
Carmel White, Solicitor  
Carole Leary, Democratic Services Officer

17 members of the public attended the meeting.

No press were present at the meeting.

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### **PA.32      Declarations of Interest**

Councillor Ingham declared an Other Significant Interest in Item 03 – 18/00742/FUL – Erection of detached garage – 6 Ruskin Avenue, Thornton Cleveleys, Lancashire, FY5 2RS as he had initially spoken with the applicant over the phone, about the application, before the application came before Planning Committee. He had then passed the Applicants information onto a Ward Councillor for the Marsh Mill area. However, he felt such that this may give rise to a perception of a conflict of interest and left the room before the item was being discussed and had no involvement in the decision making.

### **PA.33      Confirmation of Minutes**

The minutes of the Planning Committee meeting held on Wednesday 3 October, 2018 were confirmed as a correct record.

## **PA.34 Appeals**

The Head of Planning Services submitted a report on appeals lodged and decided between 15 September 2018 – 15 October 2018.

### **Resolved**

That the position regarding the appeals, as set out on pages 1 – 26 of the report be read and noted, and that any Member requiring any further details of clarification on any appeal, should contact the relevant Case Officer.

## **PA.35 Planning Applications**

The Head of Planning Services submitted applications and reports to be considered:-

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.

An Update sheet with additional information was issued over the internet and also handed out at the planning meeting. This information came forth, since the Agenda was published, for this application.

18/00727/FUL – 32 Rossall Promenade, Thornton Cleveleys, Lancashire, FY5 1LP. Two storey front and rear extensions and widening of existing garage.

18/00742/FUL – 6 Ruskin Avenue, Thornton Cleveleys, Lancashire, FY5 2RS. Erection of detached garage.

An Update sheet with additional information was issued over the internet and also handed out at the planning meeting. This information came forth, since the Agenda was published, for this application.

### **Reports of the Head of Planning Services on planning applications to be determined at this meeting**

#### **a) Applications Approved**

**RESOLVED** that the undermentioned applications be **APPROVED** under the provisions of the Town and County Planning Act 1990, as set out below:

#### **Item 1 – 23 Market Place, Poulton-Le-Fylde, Lancashire, FY6 7BT**

##### **Application Number 18/00488/FUL**

Inns and Leisure Limited. Change of use from bank office to public house and restaurant with associated external alterations. 23 Market Place, Poulton-Le-Fylde, Lancashire, FY6 7BT.

The application was before Members at the request of Councillor McKay. A site visit took place, so Committee Members had the benefit of seeing and understanding the

proposal and its setting beyond the plans submitted, and the photographs taken by the case officer.

The Committee gave consideration to the Update Sheet with additional information on. This had an additional representation on, with amendments and additional conditions.

A Member of the Public (a Wyre Councillor, but not that Ward's Councillor) spoke to the Committee, as an objector to the application, as he lives in and is familiar with the general area.

Both the Applicant's Solicitor and the Applicant's Managing Director (the Applicant's father) spoke to the Committee, in support of the application. Both were asked questions of clarification by the Members.

The Committee members debated the application generally, including the possible impact that the proposed roof terrace would have on residential amenity within the area, the extent of delivery hours and the site access.

The application was approved as per the recommendation in the report of the Head of Planning Services, subject to the conditions and reasons set out within the report as updated, and as added by the Planning Committee, including the **amendments to conditions 2, 7, 9, 10, 11, 12 and 14 as follows (from the update sheet and the Committee meeting)**, which are all set out below:

#### **Conditions and Reasons:**

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 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.

3. The development shall be carried out using those materials specified on the approved plans and application form.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to first use of the development hereby approved a scheme for the construction of the site access, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. All deliveries to the premises shall be to the rear entrance only using the servicing arrangements as shown on the approved layout plan. No deliveries shall be received via the front of the premises.

Reason: In the interests of highways and pedestrian safety and in accordance with saved policy SP14 of the Adopted Wyre Local Plan.

6. Prior to first use of the development hereby approved, the noise mitigation measures and recommendations set out in Chapter 5 of the Acoustic Survey by Braiden Acoustics Ltd (Report No.10624 Rev C) shall be implemented. The development shall be carried out in accordance with these measures and recommendations in perpetuity.

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 noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

7. The use of the external roof terrace area as shown on the approved floor plan shall only operate between the hours of 10:00 to 20:00 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.

8. Music (whether live / amplified), shall not be played at any time within the external areas of the premises including the first floor roof terrace area.

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. There shall not be any emptying of bins (including bottle bins) or deliveries to the premises between the hours of 20.00 and 08:00 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. 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 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. The flat accommodation at first floor level in the development hereby approved shall be occupied solely by a 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. 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 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).

13. Prior to the first use of the development hereby approved, obscured glazing shall be installed in the 2no windows at first floor level in the east facing side elevation serving the bathroom and lounge at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured) and maintained and retained thereafter. Any subsequent repaired or replacement glazing shall be fitted with obscure glass to the same level of obscurity.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. The premises shall not trade between the hours of:

- 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).

15. 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. 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. 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).

## **Item 2 – 32 Rossall Promenade, Thornton Cleveleys, Lancashire, FY5 1LP**

### **Application No: 18/00727/FUL**

Mrs King. Two storey front and rear extensions and widening of existing garage. 32 Rossall Promenade, Thornton Cleveleys, Lancashire, FY5 1LP.

The application was before Members at the request of Councillor Fail. Committee Members had the benefit of a site visit before the public meeting, to help Members understand how the application would sit within its surroundings, including the relationship to neighbouring properties.

Councillor Fail, Councillor for Jubilee ward spoke to the Committee raising objections to the application.

The application was approved as per the recommendation in the report of the Head of Planning Services that full planning permission be granted subject to the conditions for the reasons set out within the report, which are all set out below:

**Conditions and Reasons:-**

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 25.7.18 including the following plans/documents:

- Proposed Elevations and Flood Plans Dwg No HP/2544B PL/18/05.1 Rev C

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 using those materials specified on the approved plan.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to the first occupation or use of the extensions hereby approved, obscured glazing shall be installed in the north and south side elevations of the front and rear balconies at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured) and maintained and retained thereafter. Any subsequent repaired or replacement glazing shall be fitted with obscure glass to the same level of obscurity.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

**Item 3 – 6 Ruskin Avenue, Thornton Cleveleys, Lancashire, FY5 2RS**

**Application Number 18/00742/FUL**

Mr Gary Linacre. Erection of detached garage. 6 Ruskin Avenue, Thornton Cleveleys, Lancashire, FY5 2RS.

This application was before members at the request of Councillor Walmsley. A site

visit was undertaken so Committee Members had the benefit of seeing and understanding the proposal in its setting beyond the plans submitted, and the photographs taken by the case officer.

Three Members of the Public spoke to the Committee, objecting to the Application.

The Applicant spoke to the Committee, supporting his Application. The Committee asked questions of clarification from the applicant.

The Committee also gave consideration to the Update Sheet with an additional consultation response.

The application was approved as per the recommendation in the report of the Head of Planning Services that planning permission be granted subject to the conditions for the reasons set out within the report.

### **Conditions and Reasons:-**

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 31.8.18 including the following plans/documents:

- Proposed Elevations and Floor Plans Drawing Number A18.02/2 Rev A
- Proposed Site Plan
- Flood Risk Assessment

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 using those materials specified on the approved plan ref: Proposed Elevations and Floor Plans Drawing Number A18.02/2 Rev A.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. The development hereby permitted shall be used for purposes incidental or ancillary to the residential use of the dwelling and for no other purpose.

Reason: The use of the building as a separate use would require further consideration in accordance with Policy SP14 and of the Adopted Wyre Borough Local Plan (July 1999).



5. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

**Notes: -**

1. 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.

Further details are available on the GOV.UK website:-

- Improving the flood performance of new buildings: flood resilient construction (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)
- Prepare your property for flooding (<https://www.gov.uk/government/publications/prepare-your-property-for-flooding>)

Further Preparing for Floods guidance is also available on the Planning Portal website at:

<http://www.planningportal.gov.uk/buildingregulations/goodpractice/preparingforfloods>

The meeting started at 2.00 pm and finished at 3.15 pm.

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