

Committee Report**Date: 01.05.24**

Item Number	03
Application Number	23/00231/FUL
Proposal	Change of use of the former Police Station to create a mixed use retail and leisure development comprising a food/retail hall, the erection of a part single and part 2 storey rear extension (following demolition of existing garages to the rear) and inclusion of external seating areato the front (resubmission of 19/01306/FUL)
Location	Former Police Station Market Place Poulton-Le-Fylde FY6 7AS
Applicant	Mr E Nelder
Correspondence Address	c/o Miss Abigail Wignall Rational House 32 Winckley Square Preston PR1 3JJ
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Charlotte Parkinson**

Site Notice Date: 19.4.23

Press Notice Date: 12.4.23

1.0 INTRODUCTION

- 1.1 This application is brought before Planning Committee at the request of Councillor Le Marinel as it is considered to be of public interest. A site visit is recommended to enable members to understand the site context beyond the plans submitted.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The site which forms the subject of this application is the former Police Station and is located on the eastern side of Market Place in the heart of the town centre of Poulton le Fylde. The police station was decommissioned in 2018 and has subsequently stood vacant since. The building is two storey and was built in two stages, approximately 1900 and the early 1960s. The front elevation of the building is made of contrasting materials with the ground floor being constructed from red brick with natural stone window surrounds. The first floor being a later addition, is constructed from a dark brick with four large windows set under a pitched roof clad in traditional slate.
- 2.2 There is a central arched and gated underpass which provides vehicular and pedestrian access to an enclosed yard area at the rear which was formerly used as a car park for the police station. This area is enclosed by a high level

red brick wall to the north and east and to the south by the gable rear elevations of adjacent properties. A single storey extension with adjoining ancillary garage is also located to the rear of the building.

- 2.3 The immediate surrounding area is mixed in character. Rear elevations of commercial premises on Chapel Street face into the site along the northern boundary which includes two first floor balconies (both commercial in use) and two first floor residential apartments (3 and 4 Chapel Street Court). A private car park lies immediately east along with access to the residential flats which are located at first floor of the shops fronting Chapel Street. Adjoining the site to the south west and fronting Market Place is the Masonic Hall (no 12 - 16) and to the south east, the site is directly adjoined by three town houses (nos 3 - 7a, b and c Queens Square). Market Place and the immediate surrounding area is made up of and occupied by various commercial premises with varied uses including retail, restaurants, offices and drinking establishments.
- 2.4 The application site is centrally located within the Poulton le Fylde Conservation Area and is in close proximity to a number of Listed Buildings and structures, most notably, the Grade II* St Chads Church to the north, nos 2 - 6 Market Place (Grade II), the Market Cross, Fish Stones, Stocks and Whipping Post in the centre of Market Place and the recently listed Grade II War Memorial which sits directly opposite the application site. Also Grade II listed is the K6 type telephone box which is located immediately adjacent the western (front facing) elevation of the application building.
- 2.5 The site is identified as being located within the Town Centre Boundary and is defined as a Secondary Shopping Area within the Adopted Wyre Local Plan 2011 - 2031 (WLP 31). Restricted vehicle movements and access apply to Market Place and an outdoor market occurs every Monday except on Bank Holidays.

3.0 THE PROPOSAL

- 3.1 The proposal seeks planning permission for the change of use of the former police station to create a mixed use retail and leisure development comprising a food /retail hall, the erection of a part single and part two storey rear extension (following demolition of existing garages to the rear) and inclusion of external seating area to the front. The proposed hours of opening are 09.00 - 23.00 Monday - Sunday. Deliveries will take place between (the hours 07.00 - 10.00 and 16.00 - 21.00hrs .
- 3.2 The existing archway would be retained along with the existing cast iron gates and would provide for the main public thoroughfare into the ground floor area, on either side of which would be a coffee shop and retail unit, accessible toilet and store room. The newly proposed extension would lead through to the covered food hall with centrally located seating area with 5 food stall/kitchen areas, 1 food stall/retail unit, store and dedicated pot wash area located around the perimeter. The existing cell to the rear of the coffee shop bar would be retained as a visitor attraction. In the north east corner an external bin store would be located. The rear extension is proposed to cover the whole of the existing rear car park and wraps around and abuts the existing boundary walls and neighbouring building which backs onto the site. External dimensions of the proposed extension would be 25m long ,22m wide and 3.7m high. The centrally located pitched roof lantern/roof light measures

approximately 5.5m to the eaves and 8.3m to the ridge and is to be constructed using insulated metal panels and insulated metal sheeting to the roof with aluminium powder coated windows either side.

- 3.3 The first floor would provide for male and female toilets, cleaners store, a staff room and office. A partially glazed first floor rear extension would create a covered balcony mezzanine. A Fire escape is shown to be provided onto the flat roof of the extension along with an area for required plant and extraction.
- 3.4 Retractable canopies are proposed fixed above the ground floor windows on the front elevation either side of the arched entrance which would cover an external seating area.
- 3.5 This application is a resubmission of planning application reference 19/01306/FUL which was approved by Members of the Planning Committee on the 4th March 2020. No technical start had commenced and as a consequence the permission has since expired.

4.0 RELEVANT PLANNING HISTORY

- 4.1 19/01306/FUL - Change of use of former Police Station to create a mixed use retail and leisure development comprising a food/retail hall, the erection of a part single and part 2 storey rear extension (following demolition of existing garages to the rear) and inclusion of external seating area to the front - Approved - 4.3.20
- 4.2 21/00583/FUL -Change of use of part of former police station and carpark to create a food, drink and retail use (Class E) with associated drive on pitches, single storey structures 1 bar and outdoor seating area with use of existing building to provide WC facilities and servicing to the rear single storey structures 1 bar and outdoor seating area with use of existing building to provide WC facilities and servicing to the rear - WITHDRAWN
- 4.3 19/01306/DIS -Agreement of details reserved by conditions 4 (Construction and Environmental Management Plan) and 7 (Written Scheme of Investigation for a Historic Building) on planning application 19/01306/FUL - Split decision (Condition 4 accepted Condition 7 partial discharge)
- 4.4 98/00399 - Erection of (4.6m) radio aerial to chimney stack - Approved

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022)
 - 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
- Policy SP1 - Development Strategy
 - Policy SP2 - Sustainable Development
 - Policy CDMP1 - Environmental Protection
 - Policy CDMP2 - Flood Risk and Surface Water Management
 - Policy CDMP3 - Design
 - Policy CDMP4 - Environmental Assets
 - Policy CDMP5 - Historic Environment
 - Policy CDMP6 - Accessibility and Transport
 - Policy EP4 - Town Centre, District, Local and Neighbourhood Centres
 - Policy EP5 - Main Town Centre Uses
 - Policy EP6 - Development in defined Primary and Secondary Frontages

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 19th December 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving Sustainable Development
- Section 6 - Building a Strong, competitive economy
- Section 7 - Ensuring the vitality of town centres
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well designed places
- Section 16 - Conserving and enhancing the historic environment

5.3 OTHER MATERIAL CONSIDERATIONS

5.4 NPPG - NOISE

5.5 WYRE SUPPLEMENTARY PLANING GUIDANCE NOTE 4 - SPACING GUIDANCE

6.0 CONSULTATION RESPONSES

6.1 POULTON-LE-FYLDE HISTORICAL & CIVIC SOCIETY

6.1.1 The comments from the previous application ref 19/01306/FUL still stand which supported the application most notably the re-use of a redundant building overall, retention of the existing frontage, archway access and internal cell. Comments regarding the installation of retracting canopies which must be of suitable materials and design, suggested by the Conservation Officer are supported. The Society further support the requirements of LCC Planning Officer (Archaeology) to ensure the recording and inspection of any archaeological or historic importance associated with the site.

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

- 6.2.1 No objections. The updated bat survey submitted shows the buildings as having negligible potential to support roosting bats similar to the results of 2019. Advice note requested in relation to protected species.
- 6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)
 - 6.3.1. No objections on the grounds of highway safety. The submitted CEMP is acceptable. Advice note requested in relation to S178 licence regarding the proposed awning which overhangs the highway.
- 6.4 LANCASHIRE COUNTY COUNCIL (ARCHEAOLGY)
 - 6.4.1 No objections - The submitted building record is considered appropriate for the level of recording advised. The section of the condition from the original application 19/01306/FUL can be fully discharged. The Written Scheme of Investigation requires a minor amendment and cannot be fully discharged until the fieldwork is completed and post excavation analysis and publication of the results is either completed or has been contractually agreed between the developer and the archaeological contractor.
- 6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)
 - 6.5.1 No objections - subject to the noise mitigation being carried out as per the noise assessment submitted.
- 6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)
 - 6.6.1 No objection - On the basis of the information submitted an air quality assessment is not required. Methods for dust and smoke control will be required as well as addressing the possibility for asbestos removal if required. This is covered in the CEMP "dust and suppression measures" discharged under 19/01306/DIS
- 6.7 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)
 - 6.7.1 No objections - subject to watching brief condition being carried over from previous application ref 19/001306/FUL.
- 6.8 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LICENSING)
 - 6.8.1 A new premises licence reference PL(A)1457 for the Bobby`s Yard was granted on the 8th April 2020. No further comments to make.
- 6.9 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (WASTE MANAGEMENT)
 - 6.9.1 No objections raised to the external bin store arrangements.
- 6.10 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.10.1 No objections raised.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been no letters of observation or objections received.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During the course of the application the applicants were requested to provide additional information with regards to noise mitigation and an updated noise assessment was submitted on 5th April 2024. An extension of time has been agreed until 2.5.24.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of the Development
- Design/Impact upon the Character of the Area
- Historic Environment
- Impact upon Residential and Neighbouring Amenity (Noise, Odour, Lighting and Air Quality)
- Highway and transport impacts
- Flood Risk and Drainage
- Ecology

Principle of Development

9.2 The former Police Station has been vacant since it ceased being used by Lancashire Constabulary in 2018 and is located within the heart of the main town centre and within the historic core of Poulton-le-Fylde Conservation Area. The application site is defined on the Local Plan Proposals Map as being within a secondary retail frontage and a primary shopping area. Policy EP4 of the Wyre Local Plan identifies Poulton le Fylde as a main town centre at the top of the retail hierarchy and directs retail, leisure and other main town centre uses towards existing centres and supports a diversity of uses to maximise the centres vitality and viability subject to satisfying policies EP5 and EP6. Policy EP5 sets out that new retail development and other main town centre uses (including extensions and change of use) which are appropriate in scale, role and function will be permitted within defined centres where they accord with this policy as a whole. Policy EP6 sets out that within defined secondary frontages any proposals for development not falling within Use Class A1 (now part of use class E (a) involving ground floor units in identified secondary frontages will be permitted provided the following criteria below are met.

- a) A minimum of 50% of the defined length of frontage in the block would remain in A1 use (now part of use class E(a) taking into account unimplemented planning permissions for changes of use; or the premises have been marketed for a Class A1 (now part of use class E (a) in accordance with Policy SP6 (Viability);
- b) The proposed use is complementary to the secondary shopping function of the frontage and will contribute to vitality and viability;

c) An active pedestrian level shop front is retained/provided

9.3 All three criteria are relevant to apply. With regards to criteria a), the proposal would result in a 44% retention of E (a) uses within the defined length of the frontage which includes an unimplemented planning permission for change of use of 18 Market Place from bank to wine bar approved under application 21/01350/FUL. The application site has been marketed for a Class E (a) use for a sufficient period of time in accordance with Policy SP46 (Viability) prior to submission of this application, therefore criterion a) is considered to be satisfied.

9.4 In terms of complying with criteria b) introducing a mixed use food and retail hall to the vacant building would provide a valued contribution to the vitality and viability of the town centre by reason of attracting tourist and visitors to the town centre and increasing pedestrian footfall which in turn would benefit surrounding businesses and boost the town centre economy. Criteria c) sets out that an active pedestrian level shop front is retained/provided. In this instance minimal external alterations are proposed to retain the character and integrity of the former police station however at ground floor the existing obscure glazing is to be replaced by clear glass and a retail display will be provided to one side of the building. This, in conjunction with the proposed external seating and new retractable canopies, will see a visual enhancement to the existing front of the building.

9.5 In this instance the proposed use and re development of the former Poulton police station as a proposed retail and food hall is considered to comply with the provisions of Policies EP4, EP5 and EP6 as set out above. The proposed use would enhance and sustain the existing character of the building and would encourage and attract pedestrian footfall back in to Market Place which is considered to be the primary hub of the Town Centre where in recent years retail uses have unfortunately diminished. This would also provide an economic boost, benefiting existing businesses and the wider local economy and as stated in the submitted planning statement, create and provide approximately 20 full and 20 part time employment opportunities which is also a fundamental requirement of the NPPF as set out in Section 6 (paragraph 85).

Design/Impact upon the Character of the Area

9.6 The submitted Design and Access Statement and Planning Statement documents that the proposed change of use will retain the theme and previous use of the building as a Police Station by naming it Bobby's Yard. The proposal seeks to retain the original steel gates at the underpass along with the existing police cell as a design feature/visitor attraction. Minimal works are proposed to the external front elevations, with the exception of, replacement windows and projecting seating canopies which are to be housed in timber boxes above the large ground floor windows. A large majority of the rear extension is predominantly flat roofed with an overall height of approximately 3.7m which would project 1m higher than the existing red brick boundary wall. The central atrium will be set in and has an overall ridge height of approximately 8.3m which is 0.58m lower than the existing ridge to the main station building which and would be externally finished in an anthracite grey insulated wall panel system. Views of the extension will primarily be experienced from the east across the adjacent existing car park, however due to the overall height and the suggested external finishes of the

extension it is not considered that the development would result in significant adverse or detrimental impacts upon the character of the existing building or the visual amenity of the surrounding area.

- 9.7 The plans submitted show the location of the associated plant (extraction units, mechanical ventilation, air-conditioning units) to be sited towards the south of the rear extension within the flat roof and adjacent to the neighbouring buildings. A full assessment of the impacts arising from noise and odours is set out later in the report within paragraphs 10.3 and 10.4. From a visual amenity point of view the plant will be screened by the existing buildings and the proposed central atrium. The proposed design of the extension and minor works to the front elevation is seen to comply with the provisions of Policy CDMP3 of the Wyre Local Plan.
- 9.8 Policy SP2 (Criteria 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. The applicant has responded to this by submitting an Environmental Statement. Within the submitted statement it sets out the flexibility, lightweight and recyclability of the materials used in the construction of the building. The statement goes on to set out how through energy efficiency and by using modern technologies including LED lighting systems the development would represent a sustainable form of development. Existing materials that are not proposed to be re used are to be recycled and where possible existing fabric will be refurbished and re used. Members are advised that in this instance the applicant has demonstrated that the proposal would satisfy this criteria of Policy SP2 of the Local Plan.

Historic Environment

- 9.9 The application site is an undesignated building that sits within Poulton-le-Fylde Conservation Area and close to a number of listed buildings within the historic market square. In determining planning applications, local planning authorities have special duties with regard to preserving the setting of listed buildings and the character and appearance of conservation areas under s66 and s72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 respectively. The NPPF emphasises that great weight should be given to the conservation of heritage assets and that the significance of an asset can be harmed by development within its setting (NPPF paragraph 200 - 203). Policy CDMP5 of the Local Plan seeks (amongst other criteria) to protect, conserve and where appropriate enhance the historic environment through high standards of design.
- 9.10 The Council's Conservation Officer notes that it is the front elevation of the building that provides the site with historic significance. With the exception of the addition of the two retractable canopy boxes above the existing front windows, the proposal would largely retain the existing front elevation in its entirety. There would be minimal visual impact on the appearance and character of the building which in turn would sustain the buildings significance and setting within the Conservation Area. The installation of traditional retracting roller canopies is welcomed as this would give a classic traditional appearance with a contemporary flavour which would encourage the

development of a vibrant streetscape that would enhance the character of the area.

- 9.11 The main alterations and extensions proposed are predominantly to the rear of the building which is enclosed in each direction by built form along with a high level red brick boundary wall. Given the concealed location of the rear extension and having assessed the overall height of the proposal it is not anticipated that there would be a significant impact upon the historic integrity of the Conservation Area as views into and across the site from the rear are restricted. The Conservation Officer raises no concern subject to conditions being imposed regarding the treatment of the Market Place façade and advises that the proposed development would preserve the appearance of the adjacent listed buildings within the Conservation Area and also sustain the significance of the designated heritage assets which would comply with Policy CDMP5 and Section 16 of the NPPF.
- 9.12 A pre commencement condition was attached to the previous approval ref (19/01306/FUL) at the request of LCC Archaeology to ensure that prior to any works commencing a phased programme of archaeological work in accordance with a Written Scheme of Investigation is attached to safeguard the recording and inspection of matters of archaeological and historic importance associated with the site. The applicant submitted application 19/01306/DIS and sought to discharge this condition, the outcome of which was a partial discharge following the submission of a written scheme of investigation. Full discharge of the condition would be granted on the submission of the Historic Environment Teams written confirmation that all site work and its post excavation reporting and archiving has been satisfactorily completed in accordance with the WSI. Lancashire County Council Archaeology Officer has been consulted as part of this application and has confirmed that the Written Scheme of Investigation requires a minor amendment and cannot be fully discharged until the fieldwork is completed and post excavation analysis and publication of the results is either completed or has been contractually agreed between the developer and the archaeological contractor.
- 9.13 Poulton Historic Society support the development and support the conditions requested by the Conservation Officer and LCC Archaeology.

Impact on the Residential Amenity

- 9.14 Within the immediate surrounding area there are a number of buildings which back onto, surround and overlook the development site. The majority of the neighbouring properties are occupied on a commercial basis with the exception of numbers 4a and 3 Chapel Street Court which are first floor residential apartments and also there are some residential units which back onto and make up the southern boundary of the site, namely 7a, b and c Queens Square. To the north when viewed from the existing carpark the properties 6-8 Chapel Street Court immediately abut the northern boundary with a large panelled balcony at first floor level dominating the rear elevations. All of these premises including the balcony are occupied commercially and operate during the day and night at various times. The proposed rear extension will not result in an overbearing impact or result in overlooking or overshadowing of these units. To the east is an existing open carpark. Within the site and making up the southern boundary is the rear elevation of the townhouses (7a, b and c Queens Square) which have blank elevations with

no window openings. Whilst the extension will take up the entire rear car park and will wrap around and abutt the existing buildings it is not considered there will be any adverse or detrimental impacts arising from overlooking, loss of privacy or overshadowing from the proposed structure.

- 9.15 The application stipulates that the hours of opening will be from 09:00hrs - 23:00hrs Monday to Sunday. In terms of the practice and activities associated with the change of use, the main factors which have potential to result in harm on the surrounding properties, relates to the environmental impacts arising from noise, odour and light pollution.

Noise Considerations

- 9.16 The applicant originally submitted the same noise assessment used in the previous submission (19/01306/FUL). Given that this document was almost 4 years old at the date of submission, the Councils Environmental Health Officer requested additional information regarding emissions of noise from the proposed development providing specific information as to the proposed plant for the development for mechanical extraction, air conditioning and refrigeration/freezer units. Due to changes in legislation the original report which stated that noise from plant would not exceed 35db B(A) is not acceptable therefore specific information regarding noise (including tonal corrections) was required to be factored into a BS4142:2014+A1;2019 assessment in order to determine the overall impact of the proposed development. Accordingly, the applicant has submitted a revised noise assessment which determined a low impact from the proposed development provided the plant listed is used. The plant would have an overall noise rating level of 40dB. When this 40dB rating is compared to the existing background sound level for the area, the noise level from the development would be 6dB below the background level during the daytime and 5dB below during the evening period, therefore it is not considered to result in an adverse impact in terms of noise subject to conditions.

Odour Impacts

- 9.17 The submitted plans identify the location required for extraction units and ducting to accommodate the ventilation and plant required for the kitchen/food hall. An Odour Assessment has been submitted with this application which is the same report submitted with the previous application ref 19/01306/FUL. The Assessment was carried out on the assumption of a worse case scenario and identified that odour from the proposed development would need a high level of control. Mitigation proposals are set out in sections 8 and 9 of the report with the minimum performance requirements and the recommendations for any wall mounted kitchen canopy, ductwork, fan, odour control and maintenance. The Councils Environmental Health Officer has agreed that the mitigation proposals set out in section 8 and 9 of the report are acceptable subject to being conditioned to be implemented.

Lighting

- 9.18 Details of the internal lighting have been submitted with the application. The proposal includes drum style fitting which prevent upward light at first floor. The roof of the rear extension has been designed to prevent overspill of light by limiting the amount of glazing. The Environmental Health Officer verbally advised on the previous application that the proposal is unlikely to result in

adverse impacts as a result of light pollution. Given that the same proposal has been submitted with this application that advice is still valid.

Air Quality

- 9.19 The application site lies close to the boundary (Chapel Street) of the Poulton Air Quality Management Area (AQMA). The application submission includes documentation to support that an Air Quality Assessment is not required in this instance due to the minimal changes in vehicular movements from that which existed when the site was an operational police station. The Council's Environmental Health Officer is satisfied with the justification provided by the applicant.
- 9.20 Subject to conditions requiring the proposed development to comply with the mitigation measures set out in the Noise and Odour Assessment along with the opening hours being restricted to that being set out in the application, it is not anticipated that the proposed development would have any significant adverse, or detrimental impacts on the amenity of the neighbouring properties, and as such would comply with the provisions of Policy CDMP1 of the Wyre Local Plan .

Highway and Transport Impacts

- 9.21 The application site lies in a highly sustainable location within a pedestrianised area of the town centre where there is readily available access to public transport including the bus stops outside the Teanlowe Centre on Blackpool Old Road to the west and the train station on Breck Road towards the north. Furthermore, within walking distance there are a number of public car parks including the Teanlowe Car Park (306 Spaces), Hardhorn Road Car Park (117 Spaces) and the Bull Public House Car Park (42 spaces). Market Place currently has prohibited access (Traffic Regulation Order) and driving in place from Monday to Saturday with the only exception being for goods vehicles loading/unloading between the hours of 16:00 - 10:00hrs and disabled badge holders with written permission. Lancashire County Council Highways (LCC) have reviewed the application and the supporting Transport Statement and have advised that there are no objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. LCC have noted that the application includes an awning which overhangs the highway. A S 178 licence would be required from LCC prior to the awnings being fitted. This can be achieved by adding a suitably worded condition.
- 9.22 There is an existing Traffic Regulation Order in place on Market Place which prohibits motor vehicles except deliveries between 16.00 - 10.00hrs. The submitted planning statement therefore sets out that deliveries will take place between the hours of 07:00 - 10:00hrs and between 16:00 - 21:00hrs to avoid noise impact to the surrounding properties. The planning statement further advises that deliveries to the food hall will be co-ordinated by the owner to reduce the number of delivery vehicles that need to access the development. Deliveries will be made by vans or small ridged vehicles that can access Market Place easily.
- 9.23 Lancashire County Highways have also advised that there are no objections to the seating area within the adopted highway to the front of the building or the

projecting canopies however an advice note is required to bring to the attention of the applicant the requirement to apply for the necessary licences under the Highways Act 1980 prior to first use. Following the submission of the additional information and subject to conditions to control the hours of deliveries and a construction management plan, officers are satisfied that the proposed change of use would not result in any adverse impacts upon highway or pedestrian safety and would comply with Policy CDMP6 of the Wyre Local Plan.

Flood Risk and Drainage

- 9.24 The site lies within Flood Zone 1 - the lowest possible risk of flooding from fluvial sources (rivers and sea). There is already existing buildings on site and the carpark comprises of hardstanding, as such the total roof and hardstanding areas will remain unchanged from that existing. The application has been submitted with a drainage strategy which sets out the SUDS Drainage Hierarchy. It has been assessed that due to the nature of the geology of the site infiltration back into the ground is not feasible and there are no local watercourses into which a discharge of surface water could be made. The proposal sets out that surface water runoff will remain unchanged and will discharge into the existing combined sewer within Market Place. The Council's Drainage Engineer has raised no objections to the proposed drainage strategy. It is not considered that the proposed change of use or the rear extension will result or increase flood risk elsewhere within the near vicinity.

Ecology

- 9.25 The application is supported by an updated bat survey dated 15th February 2023. The buildings were subject to a visual daytime inspection on 14th February 2023 to search for bats, evidence of bats and to assess the potential of the buildings to support bats. No bats or evidence of bats was found in the building during the daytime inspection and they were assessed as having negligible potential to support roosting bats. The urban nature of the location which has extensive street lighting is also considered to reduce the likelihood of bats being present. GMEU have advised that an informative should be attached so that the developer is aware of legal protection that certain species receive and that if any are found during the development then works should cease and an ecologist should be contacted.

Contamination

- 9.26 A desk study and walkover survey was submitted with the previous approved application 19/001306/FUL. Based on the information submitted it was recommended that a Watching Brief Condition be applied to the application. On the advice of the Council's Environmental Health Officer responsible for contamination this condition will therefore be carried over to this application.

Other Matters

- 9.27 Within the Design and Access Statement (Section 5) there are a number of illustrative visions of how Market Place may appear on market day, with street stalls and the proposed development having its front canopies open along with the proposed street furniture. For clarification this application is not proposing any external street stalls. The applicant has confirmed that the

purpose of this illustration is to demonstrate how Market Place may look on a market day and how the proposal could contribute to the character of the area.

10.0 CONCLUSION

10.1 The application site is located within the heart of Poulton Town Centre and therefore a location which can be supported for a mixed use comprising of a food hall, retail and drinking establishment. The proposed use complies with the requirements of Policies EP4, EP5 and EP6 of the Local Plan which seek to steer new development and uses to the main town centres. Whilst the rear extension covers the whole carpark area it is not considered to result in any adverse or detrimental impact upon nearby premises or residential uses. The mitigation measures proposed for odour and noise can be reasonably secured by appropriately worded conditions. The development is located within Poulton-le-Fylde Conservation Area however for the reasons set out within this report the proposal will enhance and preserve the significance of this designated heritage asset and will not result in any adverse impacts upon the setting of the nearby Listed Buildings/structures. In turn the proposal would comply with Policy CDMP5 of the Wyre Local Plan. It is considered that the proposed re use of the building will provide a valuable contribution to the local economy whilst not resulting in any adverse environmental or historical impacts. In conclusion it is considered that the proposal can be recommended for approval subject to the conditions listed below.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant Full Planning Permission

Recommendation: Permit

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 03.03.2023 including the following plans/documents:
 - Site Location Plan Drawing No 1970/EX00 received 3 March 2023
 - Proposed Ground Floor Plans Drawing No 1970 PL02 REV C received 25 May 2023

- Proposed First Floor Plans Drawing No 1970/PL03 received 3 March 2023
- Proposed Roof Mechanical Services Drawing No 019.127.M3 received 3 March 2023
- Proposed Ground Floor Mechanical Services Drawing No 019.127.M2 received 3 March 2023
- Proposed First Floor Lighting Drawing No 019.27.E2 received 3 March 2023
- Proposed Ground Floor Lighting Drawing No 019.127.E1 received 3 March 2023
- Proposed Elevations Drawing No 1970/PL04 REV B received 3 March 2023
- Proposed Elevations Drawing No 1970/PL05 REVB received 3 March 2023
- Site Set Up Drawing No D.01 received 3 March 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 development shall be carried out strictly using those materials specified on the approved plan Drawing No 1970/PL04 REV B 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. There shall be no deliveries or collections of goods to or from the use hereby permitted outside the hours of 07:00 - 10:00 hrs and 16:00 - 21:00 hrs on Mondays to Sundays.

Reason: In the interests of the amenity of the occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP 1 of the Wyre Local Plan (2011 -2031).

5. The premises shall not be open to customers or members of the public outside the hours of 09:00 - 23:00 hrs Monday to Sunday.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31)

6. Prior to first use of the development hereby approved, the noise mitigation measures set out in the supporting Noise Assessment prepared by Red Acoustics dated 05.04.2024 submitted with the application shall be implemented. The approved noise mitigation measures shall thereafter be retained and maintained at all times.

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 CDMP1 of the Wyre Local Plan (2011-31).

7. The development hereby permitted shall be designed so that the level of noise emitted from the site does not exceed a Laeq, 15 minutes of 40dB(A), when measured 1 metre from the façade of any noise-sensitive premises.

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

8. The development shall be carried out in accordance with the plant specified in section 3, pages 6 and 7 of the approved noise assessment prepared by Red Acoustics dated 05.04.2024 and shall be in place and in full working order prior to first use of the premises hereby approved and shall thereafter be maintained and retained in accordance with the approved details.

If the listed plant is not used, then an alternative plant must be used that achieves the same or better acoustic performance, details of which shall be submitted to and approved in writing to the Local Planning Authority prior to the first use or occupation of the development.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. Prior to first use/first occupation of the development hereby approved, the odour mitigation measures set out in the supporting Odour Assessment (prepared by Miller Goodhall on behalf of By1 Limited Report Number: 102234) submitted with the application shall be implemented. The approved odour mitigation measures shall thereafter be retained and maintained at all times.

Reason: To ensure there is no adverse effect on the health and quality of life for future occupants and to avoid an unacceptable impact on residential amenity by virtue of odour in accordance with Policy CDMP1 of the Wyre Local Plan (2011 - 31).

10. The lighting will be installed following the standards for 'Environmental Zone E4' as described within the Institute of Lighting Professionals' Guidance for the Reduction of Obtrusive Light, GN01:2011', in that the light intrusion into the windows of any nearby sensitive premises from the development shall not exceed 25 Lux before 23.00 pm and 5 Lux after 23.00 pm.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

11. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation/use of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

12. The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP prepared by Stanton Andrews Architects dated 29 April 2022 REV A and Drawing No D.01 Site Set up.

Reason: In the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. Notwithstanding the details indicated on the approved plans and supporting documents, the following details shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation / presentation to the highway:

- Full details including external finishes of the proposed canopies/awnings and housing boxes (including details of fixtures and fittings); and
- Full details including external finishes of street furniture including tables, chairs and any partition screens

The development shall be carried out in accordance with the approved details. Only the approved details shall be subsequently used in the event of any repair or replacement.

Reason: In the interest of visual amenity of the area, and the appearance and character of the building in accordance with Policies CDMP3 and CDMP5 of the Wyre Local Plan (2011-31).

14. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy CDMP5 of the Wyre Local Plan (2011-31) and section 16 of the NPPF.

15. The premises shall be used for the purposes identified on the approved floor plans (Drawing Numbers 1970/PL02 Rev B & 1970/PL03 Rev B), namely for Class E b) (café and restaurant use as well as E (a) retail use in the ground floor retail unit indicated at the front of the food hall and D1 leisure and assemclass blyse in the ground floor police cell being retained as a leisure attraction, and for no other purpose.

Reason: To ensure that the mix of uses makes a positive contribution to the vitality and viability of the Primary Shopping Area of Poulton-le-Fylde town centre and in the interests of neighbouring residential amenity in accordance with Policies EP6 and CDMP1 of the Wyre Local Plan (2011-2031)